

# TOURISM LEGISLATION REPORT

BUILDING EQUITY AND ECONOMIC PARTICIPATION (BEEP PROJECT)  
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## **TOURISM LEGISLATION REPORT**

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## **1. INTRODUCTION**

In November 1995 the BEEP project suggested to the Government of Guyana various possibilities for the project to assist in the development of the tourist industry. The Government of Guyana identified as a priority the drafting of legislation to improve the legal environment for tourism. It is expected that the project will have a positive effect on tourism by providing a revised regulatory framework which encourages the growth of tourism and helps to protect its sustainability.

The revised legislative framework is intended to establish basic acceptable international standards. Where it is not feasible to do this immediately, interim standards are to be set so that Guyana can achieve its objectives at a pace that is consistent with existing capacity. Any legislative changes must be in harmony with the policies and objectives of the Government of Guyana while seeking to meet the needs of the tourist industry.

The National Environmental Action Plan has as a focal point the preservation of Guyana's tropical rain forest as it is a valuable economic asset for Guyana. It also stresses that "meaningful and sustainable development cannot be achieved without the integration of sound environmental management into the socio-economic development process." The Government's objectives include ensuring that "conservation is treated as an integral part of the planning and implementation of developmental activities" and that the environment and natural resources of Guyana are conserved and used for the benefit of both present and future generations.

The analysis and recommendations in this report are therefore based on the assumption that the development of tourism in Guyana is to be in harmony with the overall objectives of the Government of Guyana for sustainable development. In keeping with this principle, damage to the environment is to be avoided and a balance struck between the use and conservation of resources so as to meet the needs of the present generation without compromising the ability of future generations to meet their needs. It is also assumed in this report that the purpose of tourism development is to increase Guyana's earnings so as to reduce poverty and improve the standard of living of its citizens.

As at the date of this report, there is no completed tourism policy. However the draft National Development Strategy contains in Volume 3 Chapter 37, the current approach of the Government of Guyana to tourism. The National Development Strategy stresses ecotourism because of Guyana's huge forest and savannahs, its mountains and waterfalls and its abundant wildlife.

Ecotourism is based on an appreciation of nature and the natural environment so it is essential to avoid or restrict activities that may damage or destroy the natural resource base. Another component of ecotourism is that of education. Ecotourists often wish to know more about the wildlife and environment. Birdwatching has become a major

industry in itself. Viewing plants and animals in their natural environment rather than zoos or conservatories is increasingly popular and non-destructive. (This does however require a pool of trained and knowledgeable guides.) For some ecotourists the opportunity to be in relatively unspoilt surroundings is sufficient. Guyana therefore has huge potential to develop a tourist industry which is in keeping with the philosophy of the Government of Guyana to achieve sustainable development.

The National Development Strategy does not contain a definition of ecotourism. Over the last ten years as the concept of ecotourism has become more familiar a wide variety of definitions has been put forward. From these certain key concepts can be identified:

- travel to relatively undisturbed or uncontaminated natural areas
- appreciation of the natural landscape, flora and fauna
- education and information about the local natural landscape, flora and fauna
- low impact activities such as birdwatching, walking, photographing and painting
- an emphasis on low volume high spend tourism
- linkages to the local economy, a reduction in leakages and increased financial returns to the host country leading to sustainable development
- respect for local culture
- the involvement of local people in planning, design and operation
- conservation of the natural landscape, flora and fauna.

The Organisation of American States suggests that ecotourism is “a form of travel for pleasure that has a low impact on the natural and cultural environment, gives the visitor a better understanding of the unique qualities of the place being visited, contributes to the well-being of local people and promotes conservation.”

Taking into account the objectives of the Government of Guyana, ecotourism in Guyana may be defined as:

“A form of travel for pleasure that is based on an appreciation of and respect for the natural environment and indigenous cultures, increases the visitor’s understanding of the place being visited, has a low impact on the natural and cultural environment, directly benefits the local population and actively promotes conservation.”

As well as ecotourism, other types of tourism have been identified by stakeholders for development. Activity holidays are increasingly popular in the global market and adventure tourism is seen as a potential tourist product. Again Guyana is in an excellent position to offer tourists a more adventurous holiday. Horse riding, cycling and walking are low-impact highly popular activities which would complement the ecotourist product. This would also enable tourists to explore areas which are zoned so as to remain inaccessible to vehicles in order to protect the environment.

For tourists to the City of Georgetown heritage tourism has been suggested as another area for development. Georgetown's fine historical buildings and its colonial architecture and layout are seen as potentially interesting to tourists. Heritage tourism would complement ecotourism and enable Guyana to offer a more interesting and complete tourist product.

Sports tourism (such as cycling, athletics and cricket) offers another area for developing a tourism product which is in keeping with the national culture.

The point was also made that Guyana should seek to avoid as far as possible the negative effects of tourism. The view of stakeholders was that mass tourism is not a preferred option for Guyana and a low-volume, high spend industry should be developed. It was pointed out that cheap backpacking holidays for foreign tourists should not be encouraged since they would contribute little to Guyana's economy.

In setting standards the existing laws and regulations must be taken into account. For example both road and river transportation are subject to reasonably detailed provisions. The problem of standards in these areas is not, in the first instance, one of preparing new legislation, but of enforcing existing legislation. Effective enforcement requires an authority which has the responsibility, capacity and resources to monitor and enforce legislation and a court system which provides results within a reasonable period of time.

While it is possible to recommend and draft legislation which sets ideal standards and promotes ideal solutions, this would be of limited value. The lack of resources was referred to frequently during the consultation. In making recommendations the consultant has borne in mind that many existing institutions lack the capacity to take on additional functions. Limited legislative changes and institutional arrangements which are followed and enforced are more effective than extensive reform which puts an intolerable strain on existing institutions. Whether the law is enforced, and how this is done is as important as what the law is.

The National Development Strategy requires development to be

- Environmentally sustainable;

- Fiscally sustainable; and
- Institutionally sustainable.

Any legislative programme for the development of tourism must take into account these requirements for sustainability and any existing constraints if it is to be of immediate use to the Government of Guyana and the operators in the tourist sector.

Two concerns frequently raised during the consultations were protected areas and institutional arrangements. Guyana is the only country in South America which does not have a national system of protected areas. It was pointed out that as a result Guyana is unable to attract the revenues available when conservation is used as a means of development. It was stressed that unless large areas are set aside for conservation, Guyana will cease to have a pristine natural environment on the scale necessary to offer a marketable tourism product.

It was pointed out that there are various authorities whose functions have an impact on tourism but no separate authority with the function of monitoring and enforcing legislation specific to tourism. The question of a separate authority for tourism and its powers and functions is a matter of policy for the Government of Guyana.

It should be noted that any analysis of existing law is hampered by the following factors:

- there has been no consolidated set of statutes since 1977
- there is no consolidated set of subsidiary legislation
- the consolidated index of statutes and subsidiary legislation and is not complete for legislation to its cut-off date.

Preparing new legislation is a complex process and it is important that stakeholders have the opportunity to consider the impact that new legislation will have on them. This report reflects discussions with a variety of stakeholders but it is hoped that stakeholders will respond to this report with their views and comments. The consultant is available to provide clarification to stakeholders at their request. The preparation of draft legislation is expected to begin after this stage.

## **2. HOTELS AND GUESTHOUSES**

### **2.1 Existing legislation**

There is little legislation governing safety, standards and the classification and registration of hotels and guesthouses. The City Government By-laws made under the Municipal and District Councils Act (Cap.28:01) regulate Common Lodging Houses and require them to be registered by the Town Clerk. The definition of a Common Lodging House is “a hotel, boarding or lodging house, refuge, shelter, or other lodging or sleeping place where a number of persons not being members of one and the same family may sleep or lodge on payment of money or in pursuance of any charitable or religious object.”

Although hotels are expressly included the underlying assumption appears to be the provision of lodging for poor persons rather than holiday accommodation.

These by-laws were not designed to regulate the modern hotel or guest house and do not provide an adequate basis for the registration or classification of hotels and guesthouses. The by-laws apply only within the city of Georgetown and cannot be used to register hotels and guest houses nationally.

### **2.2 New Regulations**

The establishment of minimum standards for hotels and guesthouses is essential if Guyana is to be able to compete internationally and attract tourists. There is a need for new regulations which would establish a system of registration, criteria for classification and the standards to be met for registration and classification.

The regulations should cover the following:

1. a requirement for the operator to obtain a licence or certificate issued by the proper authority;
2. the types of premises covered and those which are exempt;
3. a requirement that the licence or certificate is displayed so that visitors can see it;
4. the procedure for obtaining the licence/certificate or for suspending or revoking it;
5. the information to be provided to guests;
6. the registration fees;
7. the procedure by which a dissatisfied operator may appeal against a decision;

8. the classification of premises as hotel or, guest houses and the minimum standards to be met for each;
9. the levels of fines and other sanctions for breach of the regulations.

The Tourism Association of Guyana has accepted the recommendation of previous consultants that the Hotels, Apartments and Guest Houses (Registration and Classification) Regulations 1982 used in Barbados should be adapted for use in Guyana. These regulations establish relatively clear criteria and standards and the consultant agrees that they should be used as the basic regulations for Guyana. However the regulations should be amended to make them appropriate to the needs and objectives of the tourist industry in Guyana.

The following amendments are recommended:

1. As Guyana does not have a tourist board, all references to the “Board” should be deleted and replaced with the “Authority”. The “Authority” could be an existing agency, a division of the Ministry of the Trade, Tourism and Industry or a new agency set up specifically for the purpose of regulating the tourist industry. This is a matter of policy to be decided by the Government of Guyana.
2. Barbados has a comprehensive system of legislation governing all aspects of tourism and the regulations refer to other statutes and subsidiary legislation. It is recommended that all references to other legislation be deleted and replaced by appropriate wording which would establish an acceptable standard. If the draft regulations were to be dependent on the enactment of other legislation governing standards, they would not be ready for use. To create such a comprehensive system is outside the scope of this project and requires various policy decisions to be made. Nevertheless it should be noted that the successful development of tourism in Guyana requires a coherent system of legislation, administration, monitoring and enforcement.
3. Applications for renewal should be made before the expiry of the existing certificate.
4. The payment of fees should be made to the Authority.
5. The relevant publications for notices should be the *Gazette* and one national newspaper.
6. The Authority should be able to send a notification by hand delivery as well as by registered post.



7. The regulations require hotels to provide wheelchair access to the hotel entrance, lift, dining room and lavatories and these requirements should not be unduly difficult to meet in new buildings. It is recommended that they apply to new hotels to be opened after a specific date, perhaps 31st December 1999.
8. The penalties for breach of the regulations should be set at levels comparable to the penalties in recent legislation.
9. References to hurricanes and beaches should be deleted.
10. Each room should have instructions for safety procedures in the event of a fire.
11. It has been suggested by stakeholders that the requirement for air-conditioned entrances be deleted.

In addition to these standards, it is recommended that the regulations require the operator to keep proper registration books and accounts. This is done as a matter of course by most operators and should not be difficult to implement. Companies registered in Guyana are already subject to the strict requirements of the Companies Act 1991 and will have no difficulty in complying with the requirement to keep proper accounts.

Consideration should be given to making it an offence to give false or misleading information when applying for registration under the regulations. This is often included in applications to discourage dishonesty and give the authority grounds for revoking a licence which has been improperly obtained.

## **2.3 Safety**

The obvious threat to the safety of guests is the possibility of fire. Under Section 5 of the Fire Prevention Act Cap.22:01 the Chief Fire Officer or any other inspector may enter and inspect premises to ascertain whether there is any danger of an outbreak of fire. The Chief Fire Officer has the power to require the owner of the premises to carry out structural alterations to reduce the risk of fire, to provide adequate means of escape and to take precautionary measures against the outbreak or spread of fire.

A disadvantage of this process is that the Chief Fire Officer's powers are limited to buildings which have been already been put up. There is no obligation on the builder to obtain the approval of the Chief Fire Officer to a proposed building. In practice builders submit their plans to the local district council who then forward them to the Central Housing and Planning Authority. In turn Central Housing and Planning Authority liaises with the Fire Department who are given an opportunity to make recommendations to prevent fire and to enable escape if a fire breaks out. However the Fire Department does not have the statutory power to enforce those recommendations and the system operates

on the basis of goodwill.

It would be possible to formalise this process by requiring a fire certificate for each registered hotel or guesthouse. The Barbados regulations require each hotel and guesthouse to have fire safety precautions approved by the Chief Fire Officer as a condition of registration. Fire safety could immediately be dealt with through this condition. However the phrasing of this condition is quite vague and does not give any guidance as to what is required nor any assurance of a general standard. This could be addressed by requiring a fire certificate which covers the following:

- (1) the use of the premises;
- (2) the means of escape in the event of a fire;
- (3) the means for ensuring the fire escape route can be used safely in the event of a fire;
- (4) the type, number and location of any equipment for fighting fires;
- (5) the procedure for warning persons in the event of a fire.

Fire safety is an issue which has implications beyond the hotel industry. While detailed fire regulations in respect of all buildings may be the ideal solution, they are a complex matter and require consideration by the Fire Service, of such matters as the travel distance, materials to be used in construction, type of firefighting equipment, alarm systems, fire safety notices, assembly points and procedures for evacuation, the size of staircases, number of exits, the separation of different uses, separation from the source of fire, etc. It is a policy decision whether regulations would be drafted solely for the hotel industry or for buildings in general with specific categories of use. Provisions relating to fire should be included in a national building code, and there is already a committee dealing with those technical requirements.

It is recommended that initially hotels and guesthouses should follow the Barbados model and have to obtain the approval of the Chief Fire Officer for registration. Consideration should be given to having a basic fire certificate as the interim standard for that approval under the regulations.

The Grenadian standards require each operator to keep a log book of fire drills, training sessions, alarm testing and actual outbreaks of fire and to provide training to employees in fire safety procedures. It is recommended that this is included in the regulations with the Chief Fire Officer having a power to inspect the log book.

## **2.4 Personal possessions**

Under the English common law, a hotel is liable if a guest's property is lost or damaged. Since Guyana follows the English common law, hotels would be liable in the absence of any contractual disclaimer or statutory provision excluding that liability. In England, the hotel's liability has been limited by statute. The consultant acknowledges that Professor Carnegie and Mr. O'Reilly recommended that the basic provisions of the Hotel Proprietors Act 1956 of England should be enacted in Guyana and that this recommendation has been accepted by the Tourism Association of Guyana with the limits for liability set at US\$100 for any one article and US\$200 in the aggregate.

A draft Hotel Proprietors Act should be prepared for Guyana.

## **2.5 Restaurants**

### **(1) Sale of food**

There is already in existence some limited statutory provision for persons who sell food. While not specifically designed for restaurants, the wording of the legislation is sufficiently wide to cover them.

The Food and Drugs Act Cap. 34:03 which covers the manufacture and sale of food makes it an offence to sell any article of food that

- (a) has in or upon it any poisonous or harmful substance;
- (b) is unfit for human consumption;
- (c) consists in whole or in part of any filthy, putrid, rotten, decomposed or diseased animal or vegetable substance;
- (d) is adulterated; or
- (e) was manufactured, prepared, preserved, packaged or stored under insanitary conditions.

Under Section 33 the financial penalty is a fine of not less than \$100 and not more than \$500 for a first offence and not more than \$1000 for a subsequent offence. The consultant was unable to trace any subsequent legislation which increases these penalties. The level of fines in the legislation is now derisory and it is recommended that these are raised to more realistic levels.

### **(2) Eating houses**

The City Government By-laws define an "eating house" as "any building used as a hotel, restaurant, cafe, luncheon-room, dining salon, tea-shop, retail spirit shop or other place where food or drink for man is provided or prepared or served up for sale or distribution

to members of the public generally.”

The by-laws impose various obligations on the proprietor to maintain hygiene, but as regulations made under the Municipal and District Councils Act, they apply to the city of Georgetown only.

It is recommended that all restaurants, whether or not they are in Georgetown, should have to attain basic standards of hygiene. This could be done by requiring all restaurants to be registered with one authority. That authority should have the power to inspect the restaurants. It is a matter of policy for the Government of Guyana to decide which agency is given the responsibility for regulating restaurants.

## **2.6 Lodges in the interior**

Since the key concept in the development of the tourist industry is nature based tourism, it has been suggested that all future tourist development in the interior should be limited to ecotourist facilities. These could then offer additional activities such as horse-riding or cycling fitting in with the objective of offering activity holidays. As with the rest of the hospitality sector these facilities should be registered to ensure that minimum standards are met.

However the classification of lodges in the interior raises different and complex questions to hotels and guesthouses in towns. The system of classification for accommodation will cover a variety of facilities, offering different kinds of experiences in different settings and lodges cannot be looked at in isolation. More important however is the fact that the kind of facility that should or may be put up will depend on the kind of use to which the land may be put. A building that is permissible in an area designated for development may not be appropriate in a national park. The classification of lodges in the interior should be consistent with the zoning of the area. (This is covered in more detail in section 10).

Although classification is not possible at this stage certain principles have emerged and should be considered. In keeping with the basic philosophy of ecotourism the lodges in the interior will give visitors access to the natural environment and wildlife. It was felt that this access should not have an adverse impact on the natural environment or wildlife since that could jeopardise not only the sustainability of the industry but even its initial ability to market itself successfully. It was also felt that damage to the environment should be kept to a minimum and the natural surroundings preserved as far as possible so that the ecotourism product would remain of a high standard. It is recommended that lodges in the interior should have to satisfy criteria designed to protect the environment; these criteria should part of the classification system and be consistent with the kind of land use specified for the area in which the lodge is situated.

The criteria for classification should also include a requirement for compliance with the

building code for ecotourist facilities (see section 9).

It was pointed out that it is an essential part of ecotourism that the visitor should have an opportunity to see birds and other wildlife in their natural environment and consideration should be given to protecting them. In keeping with this objective hunting or trapping of animals at ecotourist facilities should be prohibited along with the display of skins or butterflies, stuffed animals or other dead creatures. In both international and local markets these are regarded as incompatible with ecotourism.

The appreciation of nature, which includes the sounds as well as the sights, was identified as a key element in ecotourism. Consideration should be given to preventing noise at ecotourist facilities through such measures as restricting the playing of radios, stereos and televisions and requiring the use of quiet generators or alternative sources of energy.

It is recommended that a detailed system of classification for interior lodges is worked out containing the detailed criteria for each level of lodge or other ecotourism facility. This is a major task and requires confirmation of the land use policy of the Government of the Guyana as well as consensus on the development of the interior and on the kinds of facilities to be offered.

## **2.7 Enforcement**

Legislation that is not enforced ceases to have any effect. Many countries with a developed tourist industry have a tourist board or some other agency which monitors and enforces the regulations; Guyana does not. It is important that an agency is identified and given the responsibility for enforcing the legislation if it is enacted. The question of which agency is a matter of policy for the Government of Guyana.

Since there is no existing Board there also appears to be no agency with the power to bring in the regulations. The legislation surveyed does not give any agency power to register and classify hotels and guest houses across Guyana.

### **3. LICENSING STANDARDS**

#### **3.1 Licensing standards for tour operators**

The successful development of tourism in Guyana depends in part on its reputation both nationally and internationally. Responsible operators voluntarily incur costs to provide services that are safe, reliable and of an acceptable standard. In the absence of legally enforceable standards, these operators could be undercut by others offering a lower standard or unsafe product. It is important for the development of the tourism market that there is a level playing field. It is also important that the regulations set a standard which is acceptable internationally but is not unduly onerous.

The first step in setting standards is to ensure that only operators who have a valid licence may carry out tours. The regulations should then set the criteria for issuing that licence.

A system of registration requires a standard application procedure and a standard form to be filled in. The applicant is required to provide basic details (name, address, etc.). Companies should also submit their articles of incorporation and bylaws, their most recent accounts filed in accordance with the Companies Act 1991 and details of ownership - all of these being information publicly available under existing legislation. The Belize regulations require an applicant to have a record free of criminal convictions for at least five years and anyone who has been declared bankrupt within the five year period is also prohibited from acting as a tour operator. These two conditions have not been discussed with stakeholders but it is recommended that they be included.

In deciding whether to grant a licence the relevant authority will have to be sure that the applicant has all the appropriate safety equipment for the particular tour. For example on tours involving boats the tour operator should have proper life jackets. The applicant should also be required to give a description of the tours being offered, including where the tours will go, the mode of transportation, equipment being used and safety precautions so that the authority has the information it needs in order to make a proper decision.

Licences are generally issued for a limited period of time and have to be renewed. It is recommended that each licence is granted for a year. Licences should not be transferrable from one person to another.

It is also recommended that all tour operators be required to have in place valid insurance covering any liability caused by injury or death to customers or damage to or loss of equipment.

In certain countries only nationals of that country may be licensed as a tour operator. For example in Belize, the regulations require a tour operator to be a citizen or permanent resident of Belize or an entity controlled by a majority of citizens or permanent residents

of Belize. It is a matter of policy whether this is appropriate for Guyana. The role of foreign investment in the development of a local tourism industry is outside the scope of this report. However it is recommended that whatever decision is reached, all existing tour operators should be eligible to apply for a licence and any restriction should apply to new operators only.

The regulations must also specify the penalties to be imposed in the event of a breach.

It should be noted that for this system to operate there must be an agency with the authority to administer and enforce the regulations.

#### **4. Training for Tour Guides**

The successful development of a tourist industry depends in part on a pool of trained and experienced guides. This could be achieved either through regulations or by voluntary standards set by the tour operators themselves. It was felt that the implementation of any voluntary standards should be monitored by a small committee of persons who are independent of the tourist industry and therefore would not be making decisions in which they or their competitors might be interested.

In many countries the response has been to set official standards. Tour guides are required to demonstrate that they have the relevant knowledge, skills and experience to be tour guides and may only carry out tours if they have a licence. Again such a system requires the existence of an agency with the responsibility for setting the standards, monitoring and enforcing them and issuing the licences.

The working group on the legal regime for ecotourism recommended that all tour guides should be registered and certified. Registration of tour guides could be achieved immediately by requiring any person who is employed by a tour operator as a tour guide or any person who acts or offers to act as a tour guide for payment to obtain a licence from the relevant authority.

Certification of tour guides requires criteria to be set establishing the standards a tour guide must reach. Any training of tour guides must fit in with the tourism product being offered. For example tour guides in Belize are required to possess accreditation in the following courses as a minimum:

- (1) fundamentals of Belizean Ecotourism;
- (2) fundamentals of tour guiding;
- (3) ecology, conservation and environmental protection;
- (4) natural history of Belize;
- (5) history and geography of Belize;
- (6) art, folklore and culture of Belize;
- (7) human relations and professional ethics;
- (8) safety, first aid and cardio-pulmonary resuscitation; and
- (9) practical field experience.



These represent in theory very high standards and require an underlying system of recognised professional examiners. Such a system, designed for Guyana, would create a pool of highly trained professional guides, but is not an immediately practical option. Guyana has few courses for tour guides, most of which appear to be conducted on an ad hoc basis. Without regularly available certified courses of study for tour guides, there is little prospect that such standards could now be met and they should not be made an immediate requirement. In the interim however the certification of tour guides could depend on compliance with certain basic requirements such as safety. All tour guides should be required to demonstrate that they can conduct the tour without endangering themselves or their customers. It is recommended that all tour guides should be required to obtain a first aid certificate.

It was pointed out that many Amerindians are used as guides on tours and that training and certification would need to be carried out in the interior if Amerindians are not to be excluded. A possible solution until this is done may be to have a licensed tour guide in charge of the tour party but with additional guides who are familiar with the natural flora and fauna. It was also stated that the existing knowledge of Amerindians should be given proper recognition in any process of certification.

The initial draft legislation in this area would cover:

- (i) a basic system of registration including a requirement to obtain a licence;
- (ii) a requirement for guides to have a valid first aid certificate;
- (iii) adding relevant skills or training as these can be met;
- (iv) a power for the relevant authority to offer courses or to require attendance at courses relevant to tour guides;
- (v) the duties of tour guides including an obligation to protect the environment and archeological heritage of Guyana;
- (vi) the basic information that the tour guide must submit ( name, address, clean record and references);
- (vii) a requirement that the tour guide must display a laminated copy of her licence when conducting a tour;
- (viii) the fees to be paid for the licence.

## **5. ROAD SAFETY AND STANDARDS**

### **5.1 Background**

“Guyana can ill afford the wanton loss of lives on our roads resulting from minibus accidents. Safety measures are definitely required to lower the accident rate.”<sup>1</sup>

Road safety and standards affect every person who uses the roads whether she is a resident or a tourist. Residents and tourists use the same roads, taxis and minibuses. The prevailing view of stakeholders was that road safety and standards are important for the development of the tourist industry but they are a wider issue than tourism.

In 1996 the number of road deaths in Guyana was 154<sup>2</sup>. If the population of Guyana is taken as 750,000 the accident rate is 20.53 per 100,000 people. The rates per 100,000 people in Canada and the United Kingdom are 11.1 and 5.8 deaths respectively.<sup>3</sup>

Comparisons using population give a rough guide but a more accurate assessment can be made by relating the number of deaths to the number of vehicles. The rate in the United Kingdom is 2 deaths for every 10,000 vehicles<sup>4</sup>. If the number of vehicles is taken as 42,185<sup>5</sup> then the death rate is 35.5 for every 10,000 vehicles in Guyana. A rate which is more than 17 times that of the United Kingdom should be a cause of concern to all road users whether local or foreign.

Any measures to increase road safety in Guyana must take into account the different kinds of road users. As well as cars and mini-buses, there are lorries, sometimes pulling twenty-foot or forty-foot containers, motor cyclists, cyclists, pedestrians, horsecarts and donkey carts.

A major contribution to road safety is the separation of different road users. It is recommended that new roads should have separate lanes for cyclists and pavements for pedestrians. Countries such as Holland and the United Kingdom have separate roads on which only cyclists are allowed but this may not be feasible for Guyana.

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<sup>1</sup>The National Development Strategy Volume V 38-33

<sup>2</sup>Figure supplied by kind courtesy of the Traffic Department of the Guyana Police Force.

<sup>3</sup>Economist Statistics

<sup>4</sup>Source: Transport and the Environment - Royal Commission Report

<sup>5</sup>The National Development Strategy Volume V Table 39-8

It should not be assumed that all tourists will want to travel by taxis or minibuses. European nationals in particular regard walking and cycling as essential forms of transportation for everybody, not just those who cannot afford cars. Tourists who are interested in the colonial architecture of Georgetown may prefer to walk since that is the best way to see and appreciate buildings.

Any improvement in the conditions for walking and cycling would lead to a reduction in the number of fatalities, since most accident victims are pedestrians and cyclists. However minibuses are involved in a disproportionate number of accidents and any attempts to improve road safety must take this into account. In the context of tourism it has been pointed out that tourists are less likely to visit a country that has a reputation for unsafe transportation when they could go elsewhere.

## **5.2 Existing legislation**

Guyana already has laws which could be used to set acceptable standards. The Motor Vehicle and Road Traffic Act Cap. 51:02 requires certificates of fitness for motor vehicles. The act also gives the court power to disqualify a driver from holding a licence and to endorse convictions on the licence. The act makes it an offence to cause death by reckless or dangerous driving, to drive recklessly or dangerously (irrespective of whether any injury is caused) and to drive carelessly. It is also an offence to race on roads or to drive under the influence of any drink or drug.

The Motor Vehicles and Road Traffic Act gives the court the power to disqualify a driver for criminal offences in connection with the driving of a car and in certain cases the court is obliged to do so.

The Motor Vehicles and Road Traffic Regulations contain legally binding rules governing the conduct of drivers of taxis and minibuses. The regulations state *inter alia* that the driver and the conductor of a motor bus or hire car

- (a) shall behave in a civil and orderly manner;
- (b) shall not smoke in or on a vehicle during a journey or when it has passengers on board;
- (c) shall take all reasonable precautions to ensure the safety of passengers in or entering or alighting from the vehicle;
- (d) shall not wilfully deceive or refuse to inform any passenger or intending passenger as to the destination or route of the vehicle, or as to the fare for any journey;
- (e) shall at all times during their employment be clean and properly dressed;

- (i) shall not unduly delay a vehicle whilst on a journey or from starting on a journey;
- (g) shall at all times during their employment wear the badge issued under these Regulations in such a manner as to be exposed to public view;
- (j) shall not shout, make any noise or sound any instrument in order to attract the attention of the public or of a possible passenger; or by troublesome and frequent demands, or by persistent following hold out the vehicle for hire to the public in such a manner as to constitute a nuisance or act in any way so as to cause annoyance or inconvenience to any person.

In addition the regulations state that the conductor of a motor bus shall take all reasonable precautions to ensure that every means provided for indicating the route, fares and destination of the vehicle are clearly and correctly displayed.

However many drivers and conductors appear to be unaware of their legal obligations. Similarly many passengers do not seem to know their rights. This is undoubtedly one of the reasons why the regulations are often breached, particularly by minibuses.

### **5.3 Proposed amendments**

The problem of ignorance of the law could be partly solved by making it a legal requirement for a laminated and easily readable copy of this part of the regulations to be displayed in all vehicles in which passengers are carried for hire.

A common cause of complaint for passengers in taxis is overcharging. In addition to these requirements all taxis should be required to display prominently their fare table including any additional charges for holidays or luggage so that a passenger knows exactly how much she has to pay.

Taxi and minibus drivers and conductors should also be required to display a laminated badge with their name, photograph and licence number.

It is recommended that these requirements are made legally binding and subject to an appropriate sanction.

It has been suggested that the existing legislation should be supplemented by a points system. Each offence would carry a certain number of points which would automatically be endorsed on the licence. When a certain number of points is reached then the licence is automatically suspended. The points system has apparently worked well in other countries but its introduction into Guyana is a matter of policy for the Government to decide. Likewise, the number of points to be ascribed to each offence is also a matter of policy for

the Government. A points system would be a useful monitoring and enforcement tool. However its introduction would require policy decisions and extensive consultation which is beyond the scope of this consultancy and which must be in harmony with the overall transportation policy of the Government of Guyana.

A second suggestion has been that all vehicles should be fitted with seat belts and their use made compulsory. This would be achieved by amending the Motor Vehicle and Road Traffic Act and would be easy to comply with since all modern vehicles are fitted with seatbelts. The introduction of the compulsory use of seat belts has worked well in the United Kingdom because of a long and intensive public awareness campaign and strict enforcement by the police force. This was further supported by the courts who would reduce the damages payable in an accident if the person was not wearing a seat belt at the time.

Increased sanctions could also have a deterrent effect on dangerous road users. For example the legislation could be amended so that the court can ban a person from driving for a specified time in the case of causing death by dangerous driving. A permanent ban would be imposed after a second conviction. It is also important that the court system reinforces the seriousness of causing death or injury and this could be done by shifting the onus of proof in certain cases.

#### **5.4 Enforcement**

Legislation in itself cannot increase road safety. Enforcement of the legislation is crucial if road transport is to become safer. Road users must be aware of the rules and they must know that if they break the rules they will be caught and punished.

The following suggestions have been made for improving enforcement of the law:

- (i) higher fines;
- (ii) night time sittings for the courts dealing with traffic offences;
- (iii) proper road signs showing speed limits, rights of way, major roads, junctions, etc.
- (iv) proper road markings;
- (v) increased use of the mounted branch - their presence on the roads would also enhance the tourism product.

It should be pointed out that reducing the speed of traffic increases safety on the roads. This could be achieved by better enforcement of speed limits. Also the increased presence of traffic police on the roads results in drivers being more careful.

Enforcement is largely the responsibility of the Guyana Police Force. It has been pointed out that to do this effectively they require equipment such as reflector vests, white sleeves, reflector triangles and luminous equipment for the mounted branch. Training for the police force was also identified as a priority and would require films or videos and a projector.

Administrative improvements such as higher salaries for officers would make it easier to retain and recruit skilled officers. It was suggested that if part of the fines collected from road traffic offences could be retained by the police force this would provide additional resources to the police force.

Every road user, whether citizen or tourist, has an obligation to obey the road traffic rules, but not all road users are aware of the rules. It was pointed out that there was a need for more copies of the highway code to be printed and made available. It was also suggested that a public awareness campaign on the highway code and use of the road would increase road safety since road users would be more aware of their obligations.

## **6. CODE OF CONDUCT FOR TAXI DRIVERS**

In addition to the regulations which are legally binding it has been suggested that there should be a code of conduct which taxi drivers will be expected to follow. This should be in conformity with the road traffic regulations but could go into more detail. The purpose of a code of conduct would be to educate drivers and to encourage them to be safer road users. It should also provide drivers with the information they need to provide a courteous and efficient service to passengers whether they are tourists or citizens of Guyana. While the code should be written with the intention of increasing standards, the suggestions should be practical. The code should not seek to impose standards that are too high as it may simply alienate drivers and be rejected in its entirety. It is important that the code is useful to drivers and it should be written in language which is clear, easy to understand and interesting to read. Such a code of conduct should cover the following:

- (1) an obligation to drive safely and with consideration for other road users - the code could include specific examples of good driving;
- (2) reference to the regulations and other legal requirements and explanations where appropriate in non-legal language ;
- (3) a dress code;
- (4) courtesy including such matters as turning off the radio if requested, not blowing the horn unnecessarily, etc.;
- (5) a dispatcher system for all taxis operated by a taxi firm;

It should be noted that not all taxi drivers are employed by taxi companies. There are many self-employed taxi-drivers who provide an excellent service but who would be unable to comply with any requirement that vehicles be standardised with stereos, air-conditioning or a dispatcher system. While not compromising on either safety or efficiency some tourists like diversity and appreciate being driven in the more antique models operated by small scale taxi services.

There does not appear to be a complaints authority responsible for taxis. The working group on road transportation recommended that the Road Transport Board should be reactivated and that it should work in consultation with the Ministry of Trade, Tourism and Industry and the Tourism Association of Guyana.

## **7. AIR SAFETY**

### **7.1 Background**

With the development of the tourist industry of Guyana, tourists are expected to come from North America and Europe. It is important to ensure that these tourists have confidence in Guyana's civil aviation regime.

Tourists generally expect standards which are as high as the standards in their own country. Tour operators are less likely to market Guyana as an ecotourist destination if they do not have confidence that flights to the interior of Guyana are as safe as flights across Europe or North America. Aircraft operators are not simply selling seats on an aircraft - they are also selling a safe way to travel. Unless passengers have confidence in the aircraft operator and in the authority which regulates and oversees civil aviation, they will be reluctant to use air transport. A distinction has to be drawn between the local market (where travellers often have little choice but to use air transport) and the international tourist market where travellers have literally the whole world to choose from. It must be stressed that what is being considered here is not the actual safety of the operations but the perception of the players in the tourism industry.

As far as actual operations are concerned, Guyana meets international civil aviation safety requirements through contractual arrangements with the Civil Aviation Authority of the United Kingdom (CAA). In the private sector most of the operators in Guyana do not rely on Guyana's existing legislation which is out of date, (see below) but operate to the higher standards of the British Air Navigation Order (BANO) which is updated regularly.

Voluntary compliance with higher standards and contractual arrangements are not sufficient to create confidence in the safety of civil aviation in Guyana. This is so even if in reality operations are as safe as North America or Europe.

### **7.2 Existing legislation**

In 1996 the Government of Guyana passed the Civil Aviation Act to create three new authorities (the Civil Aviation Authority, the Airports Authority and the Air Transport Licensing Authority). The act also sets up a new regime for the regulation of civil aviation in Guyana. Section 1(2) of the act states that it is to come into force on a date appointed by the Minister by order. As at the date of this report no order has been made and the act is not yet in force.

Until the Civil Aviation Act 1996 is brought into force the existing law for the regulation of civil aviation is the Colonial Air Navigation Order 1961 (CANO) which is out of date. Since 1961 civil aviation and the aircraft industry have undergone many changes and developments for which CANO does not provide guidance or regulation. In addition



CANO was drafted for the British Colonies that existed at that time and the references to other colonies, the Governor and the British system are no longer appropriate for Guyana.

Guyana therefore needs a modern legal regime which includes technical rules and standards for the proper regulation of its civil aviation industry.

As an initial step the Civil Aviation Act 1996 should be brought into force (subject to the comments below).

### **7.3 New Regulations**

The Civil Aviation Act 1996 is framework legislation which will have to be supplemented by regulations setting the technical standards for all aspects of civil aviation in Guyana.

The preparation of regulations for civil aviation is a highly technical matter. Regulations from other countries provide a useful place to start but the conditions in Guyana are such that it may not be appropriate simply to adopt the regulations of another country for use in Guyana.

The CAA has given the Civil Aviation Department of Guyana (CAD) the authority to adapt the British Air Navigation Order for use in Guyana. CAD has already made amendments to the BANO and draft regulations are being prepared. The new regulations could follow the format of BANO but they must be adapted and amended to suit the requirements of Guyana taking into account the type of aircraft, the flying conditions, the type of operations etc. to ensure that civil aviation is safe. As a minimum they should cover the following:

- (i) the issuing of Air Operators Certificates stating
  - aircraft may not be operated without the air operators certificate
  - the operator is certified as competent to ensure that aircraft are operated safely.
  - the grounds on which the certificate may be issued, suspended or revoked
- (ii) the issuing of Airworthiness Certificates providing *inter alia*
  - that an aircraft may not be flown without an airworthiness certificate
  - for the requirements that have to be fulfilled for a certificate to be issued
  - for the categories of use of the aircraft
  - the grounds upon which the certificate ceases to be in effect or may be revoked
  - other conditions as deemed appropriate by the relevant authority
- (iii) the issuing of a maintenance certificate including
  - a requirement that the aircraft is maintained in accordance with an approved maintenance schedule

- the date on which a review of maintenance is to be carried out
  - the person who may issue a certificate of review including her technical qualifications
  - the conditions to be fulfilled for issuance of the certificate including the verification that the approved maintenance schedule has been carried out, that the required inspections and modifications have been carried out and that any defects have been fixed in accordance with approved procedures
- (iv) the records that must be kept in relation to each aircraft and the contents of such including
- the technical log
  - aircraft log book
  - engine and propeller log books
  - flight manual
  - operations manual

The regulations should provide for the preservation of the records and access to them. It should be an offence damage or tamper in any way with the records.

- (v) the licensing of maintenance engineers including
- the qualifications, experience, skill and knowledge required
  - a power for the relevant authority to require evidence that the applicant is fit to hold the licence or to require the applicant to undergo such examinations as the authority requires
  - the duration of the certificate
  - the activities that the holder of the certificate is authorised to carry out
- (vi) the equipment to be carried by an aircraft taking into account the type of aircraft and the category of use
- (vi) safety including
- the equipment that must be carried for the safety of passengers
  - notices on safety procedures and on emergency procedures
  - a ban on smoking in the aircraft
  - a prohibition on any person who is drunk being allowed into any aircraft
  - a provision that no person may negligently or recklessly endanger the aircraft or any person in the aircraft
  - a provision that every person in the aircraft must obey the instructions of the pilot
  - a requirement to have a proper medical kit
- (vii) radio equipment including the type and range of equipment for communication and navigation and the operation of that equipment

- (viii) the licensing of pilots and other air crew including
  - qualifications
  - the activities permitted under the licence
  - the grant, renewal, revocation or suspension of licences
  - physical fitness/medical certificates
- (ix) the operation of aircraft including
  - the operations manual (specifying *inter alia* communication, approach and landing procedures, duties and responsibilities of the crew, emergency procedures, communication and navigation)
  - the loading of aircraft
  - rules or restrictions in respect of particular operating conditions such as flying over the interior, night flights, use of single-engine aircraft
- (x) the duties of the pilot including pre-flight inspections under which the pilot must satisfy herself that
  - the flight can be made safely given the route and weather conditions
  - the aircraft is safely loaded taking into account the weight carried, its distribution and the way it is secured
  - the required equipment is fit for use
  - that the aircraft is fit for the intended flight
- (xi) the crew's fitness for the flight including restrictions on the hours that may flown and the periods of rest required to ensure that a crew member does not suffer from fatigue or any other condition which could affect the safety of the aircraft and its passengers
- (xii) the training and testing of crew including a requirement for the operator to satisfy herself that the crew have been tested and approved to carry out their duties competently
- (xiii) rules of the air including minimum flying heights, prohibited areas (if any), restrictions on how close aircraft may approach other aircraft, or any structures or persons, use of lights, avoidance of collisions
- (xiii) investigation of air accidents including access to information, access to the site of the accident and the aircraft, preservation of evidence, the appointment, duties and powers of inspectors.

#### **7.4 Process**

CAD has already begun the process of preparing regulations. The view of operators and of CAD is that the preparation of civil aviation regulations requires particular technical

expertise not available in Guyana. Various offers have been made to enable Guyana to obtain that expertise and the consensus of the stakeholders is that the preparation of the regulations should be done in a separate project.

In addition to the existing arrangements with the CAA, CAD has received offers from the International Civil Aviation Organisation (ICAO). In 1996, ICAO carried out a review of Guyana's regime for overseeing safety and following that review has offered to carry out a programme to enable Guyana to meet ICAO's standards. ICAO's standards are the minimum standards that are acceptable internationally but it should be noted that these are lower than the standards set by the Federal Aviation Authority, Transport Canada or the European Union.

The private aircraft operators have made separate requests for assistance leading to the signing of a memorandum of understanding between the Government of Guyana and the Government of Canada. Under that memorandum of understanding, Transport Canada is available to provide expert advice on the design of the regulations. To avoid duplication of effort it is recommended that the regulations being prepared by CAD should be circulated to the stakeholders as soon as possible. The private operators should be given a reasonable period of time to consult and obtain technical advice on the regulations including any amendments that should be made.

## **7.5 Bringing into force the regulations**

Once the regulations are drafted they will have to be brought into force. The Colonial Air Navigation Order gives the Governor of the Colony the power to make some regulations but this provision is no longer useful. The regulations will have to be made under statutory authority. Section 37 of the Civil Aviation Act 1996 gives the Minister the power to make regulations for a variety of purposes including the regulation of all aspects of air navigation and air transport, safety, compliance with international requirements and the issuing of licences, certificates etc.

It is recommended that the Civil Aviation Act 1996 is brought into force thereby giving the Minister the power to bring in the regulations. However the act establishes three separate authorities. If the act is brought into force in its entirety, it will be necessary to state in the order what happens to the existing Department of Civil Aviation and which persons are assigned to which of the new authorities.

The Civil Aviation Act 1996 allows the Minister to bring different parts of the act into force on different days. As an interim measure the Minister could bring into force selected parts of the act. Part III of the act which creates the separate authorities could be brought into effect after the Minister has made the necessary policy and personnel decisions.

## **7.6 Enforcement**

The successful enforcement of the regulations depends in part on realistic sanctions. The fines imposed by the act appear to be low given the seriousness of the offences they are designed to prevent or punish.

Section 31 of the Civil Aviation Act 1996 imposes a fine of \$21,000 (twenty -one thousand dollars ) for dangerous flying. Likewise the failure to licence an aircraft is punishable by a fine of \$20,000 under Section 33. Under Section 36 the fine for any other breach of the act or any regulation made under the act is \$25,000.

In contrast to this the term of imprisonment under Sections 31 and 33 is 6 months and under Section 36 is two years suggesting that these are in fact serious offences.

It is interesting to note that the penalty for litter under the Environmental Protection Act 1996 can be as high as \$50,000 yet the penalty for dangerous flying is only \$20,000. The penalties for breach of the British Air Navigation Order vary from one to two thousand pounds sterling.

It is recommended that the fines under the Civil Aviation Act 1996 are brought in line with the penalties for other offences by raising them.

## **8. RIVER TRANSPORTATION**

**8.1** River transportation is expected to be an integral and important part of tourism in Guyana. Some parts of the country are reachable only by river and for many tourists whether local or foreign a trip on one of Guyana's rivers is in itself an experience to be enjoyed as part of a package. However the safety of passengers was raised as a concern. As with other areas of transportation, river safety raises issues which are wider than the tourist industry. The Tourism Association of Guyana has produced an extremely useful Safety and Standards Operations Manual which recommends higher standards than are currently required by law. Certification by the Safety and Standards Committee on the basis of this manual would provide a voluntary regime for tour operators and reassure tourists.

### **8.2 Existing legislation**

The River Navigation Regulations made under the River Navigation Act Cap. 50:01. require the owner of a boat (there are limited exceptions which are not relevant for this section) to have her boat inspected and to refrain from using the boat in the absence of a certificate.

The certificate must contain the following information:

- (1) length and breadth of the boat
- (2) name (if any)
- (3) licence number
- (4) freeboard
- (5) a statement that the boat has been inspected
- (6) the number of persons the boat may carry.

The regulations also specify the freeboard and that the waterline must be painted on the boat. It is an offence for a boat to be overloaded. Each boat is required to have one life belt for each person on the boat or one life buoy for every three persons. The certificate showing the number of passengers must be framed and placed in a conspicuous place on the boat. Each passenger boat must be marked by the letter "P" and have marked on it the number of persons it is authorised to carry.

The Harbour Regulations made under the Transport and Harbours Act Cap 49:04 also require a certificate of seaworthiness for boats to be operated in any harbour. The

requirements  
are similar to  
those under  
the River  
Navigation  
Regulations.

### **8.3 Lack of enforcement**

It has been pointed out by stakeholders that these regulations are often breached by boat operators. Many boats do not have the proper markings and the certificate is not displayed. Enforcement of these regulations would increase the safety of passengers and would enable passengers to make an informed choice. If the certificate is displayed as required passengers would be able to tell when a boat was overloaded and they could then refuse to board. This in turn would create pressure on boat operators to observe the regulations.

It was stated that some boat operators lack the necessary education and training. However the Harbours Regulations stipulate that before granting a harbour licence the Harbour Master must examine the applicant to establish that he is competent. The examination covers the Rule of the Road at Sea, lights, anchorage, collisions, equipment, distress signals, emergencies and general seamanship. Since the law already allows the Harbour Master to set standards through examination, further improvement depends more on implementation and enforcement of existing legislation than on new legislation. It was said that in some cases boats are not always operated by the registered captain but may be left under the control of an unqualified person. Again this could be dealt with by enforcing the existing legislation which makes it an offence for a boat to be in the harbour without a duly licensed master.

### **8.4 Amendments**

It was felt that although the regulations specify the equipment to be carried on a boat, this was not adequate. It was suggested that each boat should be required to have a life jacket for each passenger as well as a medical kit, tool box and bailer. This could be achieved by amending the Second Schedule of the Transport and Harbours Regulations. Although the regulations make it an offence for crew to be drunk while performing their duties this can be difficult to prove. It was suggested that in the interests of safety, crew should not be allowed to consume alcohol while in charge of the boat. (This is already in the Safety and Standards Manual prepared by the Tourism Association of Guyana.)

It was also suggested that the fines for breach of the regulations be increased.

## **9. Building Code**

### **9.1 Existing legislation**

The Georgetown Building By-laws made under the Municipal and Districts Council Act govern the erection of buildings in Georgetown and make detailed provision for such matters as the use of materials, the construction of roofs, floors, staircases, kitchens and foundations. All plans for buildings must be submitted to the City Engineer for approval. The Schedule to the Bylaws also sets the minimum superimposed loading on the floors and roof of each building. For hotel bedrooms the minimum superimposed loading is set at 84 pounds per square foot of floor area.

These bylaws apply within the city of Georgetown only and therefore cannot be used to regulate buildings outside of the city limits. If the aim is to ensure that all buildings in Guyana are to be built to an acceptable standard in keeping with modern minimum requirements, this could be achieved through a national building code.

### **9.2 Draft National Building Code**

The preparation of a building code is a highly technical matter which requires expert consideration of all aspects of construction. The Guyana National Bureau of Standards (GNBS) is in the process of compiling a building code for Guyana. There are already in existence committees whose remit covers such technical matters as plumbing, electricity, timber, concrete and masonry, fire, use and occupancy. It is intended that this building code will apply nationally.

Building for tourism raises many of the same issues that have to be dealt with in building for other purposes. A building must be structurally sound whether it is an office, a factory or a hotel. There should be a standard application procedure for building permits, adequate provision for safety including minimum standards for wiring, sewage disposal, adequate provision for escape in the event of a fire etc. In many countries, hotels and guesthouses are not dealt with in a separate code, but in the general building code. The different types of buildings are classified according to use and while the general principles apply to all buildings, the specifications may vary with the individual class.

It is recommended that for hotels which are to be built in the cities of Georgetown and New Amsterdam or any towns, the general building code should be applied, with specific provisions for hotels and guesthouses. Building for tourism in the interior poses additional questions which are considered below.

It should be stressed that while a separate building code might ultimately best serve the needs of the tourism sector, the general building code would be an important and workable start in establishing minimum standards. It is recommended that the draft



building code includes provisions which would regulate new hotels and guesthouses at least in the interim. This could form the basis of a new building code specifically for the hospitality sector in the future.

The draft building code is still in preparation and was not available for comment at the date of this report. It is recommended that the stakeholders in the tourist industry make any additional submissions direct to the GNBS once the draft code is available for public comment.

As the draft code is already in preparation, the consultant does not propose to duplicate that work, but to draw attention to certain basic principles and make certain recommendations. The actual technical standards will be set by GNBS through the technical committees taking into account submissions made when the code is available for public comment.

### **9.3 Contents of the building code**

#### **9.3.1 Classification**

It is recommended that the building code classifies the different types of occupancy. For example following the Barbados code, there could be a separate category for residential buildings which could be further subdivided into hotels or guesthouses, apartments or flats, and houses as follows:

##### **Hotels or Guesthouses**

Buildings arranged for the shelter and sleeping accommodation of more than 12 persons where services within the building are shared, including hotels, guesthouses, inns and lodging houses.

#### **9.3.2 Site Plan**

Each application should be accompanied by a properly drafted site plan to provide the relevant authority with the basic information it requires. Following the example of the building code for Dominica, the Guyana building code should contain the following conditions.

- (a) The scale to be used in the site plan, e.g. 1:1 or such other scale as may be appropriate;
- (b) A requirement for the site plan to contain the following information:
  - i) The area, boundaries and dimensions of the land;

- ii) The location of any buildings already on the land and on any lands immediately adjacent;
- iii) The location and spread of any existing mature trees on the land;
- iv) The location of any new proposed building and the relevant dimensions of appropriate setbacks;
- v) Such contours or spot levels as are necessary for determining the grade of any proposed road and for the proposed drainage;
- vi) The location and width of existing and proposed means of access including roads adjacent to the property;
- vii) Water and sanitary drainage systems;
- viii) The proposed landscaping plan;
- ix) Any land reserved for public access or for public use.

### **9.3.3 Health and safety of occupants**

The building code should specify that each building should adequately provide for health and safety. The following provision could be included from the Barbados code:

“The design of buildings shall make adequate provision for the health and safety of the occupants and other persons using the building, in accordance with the appropriate standards, such that injury or illness will not be caused by -

- (a) exposure to hazardous or offensive building materials or agents or contaminants on the site;
- (b) the storage or handling of hazardous or dangerous goods in the building or on the site; or
- (c) the conduct of hazardous processes in the building.”

### **9.3.4 Unsafe buildings**

The building code will apply to buildings to be put up in the future. Existing buildings will not be affected. It is recommended however that where any existing

building is unsafe, there should be a power to require the owner or other responsible person to make the building safe or have it taken down.

The Marking and Fencing of Lots, etc. By-laws provide in regulations 27, 28 and 29 for dangerous buildings to be pulled down. This provision applies within Georgetown but could be adapted to form part of the building code and applied and enforced nationally. It is recommended that the code should also deal with a building where an unsafe condition may exist (e.g. blocked exitways) although the building itself is not dangerous.

It is recommended that the regulations be amended and included in the code as follows:

- “1. If any building is deemed by [the relevant authority] to be in an unsafe condition the relevant authority shall
  - (1) immediately cause a proper hoard or fence to be put up for the protection of passersby; and
  - (2) serve notice on the owner or other person responsible for the building, requiring him immediately to take down, secure or repair such building.
2. If the owner or person responsible does not begin to repair, take down or secure such building within three days of the service of such notice or does not take down or secure the building as speedily as is reasonably possible [the relevant authority] shall with all convenient speed take such action as may be necessary to ensure that the building is no longer in an unsafe condition and may take down, rebuild, repair or otherwise secure the building as [the relevant authority] may think fit.”

Provision should also be made for the relevant authority to recover its costs but this should be dealt with in the context of the authority’s general powers of enforcement.

The building code should also contain the criteria according to which the building may be judged to be in an unsafe condition. It is recommended that the wording of the Barbados code be used as follows:

**Unsafe condition -** Any building or part of a building which as a result of the way in which it is being constructed, demolished, used, occupied or managed, is likely to cause injury or hazard to the life or health of any person on or about the premises, to

the general public or occupants of other buildings, or which is likely to cause damage or instability to the building itself or adjoining buildings through damage, disrepair or other cause, including conditions arising from-

- (a) structural inadequacy;
- (b) a lack of adequate maintenance of the building or structure, components, materials, services or installed equipment;
- (c) insufficient safe means of egress in a fire or other emergency, including -
  - (i) failure to maintain clear exitways free of obstruction by any matter that might impede escape;
  - (ii) unauthorised locking of doors in the exitways; or
  - (iii) exceeding the approved occupancy load of a building or space determined under this Code.
- (d) a change in the position of an allotment boundary that reduces the required separation, means of egress or other safety provisions required by this Code.

### **9.3.5 Design and siting of buildings**

The code should also regulate the overall appearance of the building to ensure that its style is in keeping with older buildings. This is particularly important if Guyana is to promote heritage tourism with any degree of success. The Working Group on physical planning and building codes for tourism facilities recommended that the code should address the issues of architectural design, colour and heights of buildings. Concern has been raised that new buildings should use the local architectural idiom, preserve the existing skyline by restricting the heights of buildings, and help to restore elegance to Guyana's cities and towns. This is a matter of aesthetics which requires a broader consensus than this report and it is recommended that this is addressed separately.

Nevertheless the code should specify how far back from the street a building should be sited and the maximum square footage that may be built on. Provision should be made for a percentage of the lot to be kept free from building. The code

should emphasise the need to improve and maintain the local natural environment including such measures as landscaping, planting trees, preservation of animal habitats and keeping drains and trenches clear.

#### **9.3.6 Facilities for the disabled**

New hotels and guesthouses should also provide facilities for the disabled in keeping with modern standards. This would include wheelchair access to hotel entrances and public rooms.

### **9.4 Environmental protection**

Section 11(1) of the Environmental Protection Act requires a developer of any project which may significantly affect the environment to obtain an environmental permit. Under the Fourth Schedule of the Act the construction of any hotel, guesthouse or inn above 10 rooms automatically requires an environmental permit which may be issued only after an environmental impact assessment has been carried out in accordance with the act. It should be pointed out here that under Section 14(1) any development consent (which would include building permission) may not be given until the environmental permit has been issued.

It is in the interests of the developer (i.e. the person wishing to put up the building) and of the Environmental Protection Agency and relevant building authority that the application process avoids duplication as far as possible. This is especially important given the acknowledged scarcity of resources in Guyana. The conditions in the building code should assist a developer to comply with the Environmental Protection Act by taking into account the environmental impact of operation and construction and seek to regulate these in such a way that environmental damage is minimised. Consideration should be given to the kind of materials to be used, the disposal of the construction waste, energy efficiency, water use, the disposal of sewage and solid waste, provisions for coping with increased road use and demand for parking facilities. In each case a balance has to be struck between the cost of construction, technical feasibility, energy effectiveness and the function of the building.

### **9.5 Lodges**

As stated above, building lodges in the interior with more than ten rooms will require an environmental impact assessment. Any other development which may significantly affect the environment will also be subject to an Environmental Impact Assessment (EIA). The Environmental Protection Agency is responsible for preparing regulations detailing what projects are deemed to significantly affect the environment. The construction of a building in a relatively pristine area will have a much greater impact on the environment than putting up the same building in a town.

The design of the ecotourist facility must take into account the tourism product being offered and the demands of the market if Guyana is to benefit fully from ecotourism. This requires further discussion on what ecotourism means for Guyana as well as a government policy on tourism and ecotourism.

It is recommended that a separate building code be prepared for lodges in the interior and all other ecotourist facilities. Any such building code would apply to new buildings only. As a minimum, consideration should be given to including the following:

1. Restrictions on the height of buildings to one or two storeys and possible restrictions on the overall size of buildings. For example a few small lodges might be more appropriate than one large building.
2. Depending on where the lodge is, it may be desirable to provide that it should not be visible from the nearest river, so as not to spoil the view.
3. Use of materials including the use of traditional materials and restrictions on the kind of materials that may be used such as commercial timber from sustainably managed forests only.
4. A requirement that the appearance of the building is in keeping with its surroundings. For example, a low wooden building designed to take advantage of natural light and ventilation would be more in harmony with a surrounding forest than an air-conditioned concrete structure.
5. A requirement that the sewage system does not permit any sewage, raw or treated, to be put into any river or waterway.
6. Adequate provision for the storage of fuel and chemicals to prevent leaks and contamination.
7. Use of alternative energy systems such as solar or wind power to provide electricity.
8. Methods of construction including the use of traditional methods.

The code should emphasize the need to construct buildings in a way which minimises damage to the environment and protects habitats. It must be stressed that a balance has to be struck between the need for environmental protection and the cost to the developer.

## **9.6 Application Procedure**

Each application for a building permit will have to be accompanied by information which

is sufficiently detailed to allow the relevant authority to make its decision. It is important that the Building Code specifies what information is needed and where appropriate the form in which it is to be provided.

It is equally important that a decision is made within a reasonable period of time for an applicant who complies with the rules. Unnecessary delays hamper the development of the tourist industry.

## **9.7 Administration and Enforcement**

The purpose of a building code is to provide the technical standards and requirements for the design and construction of buildings. When the application for building permission is submitted, the relevant authority checks the design and plans to ensure compliance with the code. If the design or plans do not meet the standards of the code the authority refuses to issue a building permit and the applicant is required to make such changes as may be necessary.

However the development of a building authority or inspectorate which has adequate numbers of trained and experienced staff is essential if the building code is to be properly administered and enforced. Whether a new building authority should be created or the administration and enforcement be given to an existing agency is a policy decision for the Government of Guyana.

The working group also recommended that the national building code should be legally enforceable. This could be achieved by an order of the Minister of Trade, Tourism and Industry under Section 20 of the Guyana National Bureau of Standards Act 1984.

## **10. Physical Planning and Zoning**

### **10.1 Land Use Planning**

Physical planning and zoning for tourism should not be dealt with in isolation from overall land use. Before any legislation can be drafted to regulate physical planning and zoning there has to be in place a policy relating to the use of land and some identification of priorities in the event of conflicting land use. This view is supported by the Working Group on Physical Planning and Building Codes which recommended that physical planning and zoning for tourism should be “implemented within the context of a national land use plan which would address issues of policy and priorities on land use at the national level.”

Land use planning is a way of deciding what is the best use or combination of uses of land. It requires an assessment of the land’s potential and the different alternatives for using it. Social and economic factors must be taken into account and a decision reached as to the use or uses to be made of the land.

The National Development Strategy states that “With the prospect of large-scale economic activities taking place in the hinterland, it is necessary to put in place the rules and structures to allocate land for different uses and clearly define permanent production forestry areas, Amerindian areas, protected areas and mining areas.” Although tourism is not mentioned here it must be taken into account in any land use planning exercise.

### **10.2 Existing Legislation**

There is no legislation which provides a comprehensive system for land use planning and zoning. Specific activities are covered by various statutes such as the Forestry Act, the Mining Act and the State Lands Act. The Town and Country Planning Act gives the Central Housing and Planning Authority (CHPA) the power to zone land in town and country areas reserving it for specific purposes. These purposes include agriculture, forestry, industry, commerce, housing and open spaces including recreation, burial grounds and national parks. This zoning must take place within a “Scheme” which is prepared by the local authority or CHPA and has to be approved by the Minister.

### **10.3 Existing Institutional Arrangements**

A variety of agencies including the Guyana Forestry Commission, Guyana Geology and Mines Commission, Lands and Surveys Department, National Parks Commission, Environmental Protection Agency, local authorities and CHPA have functions related to the use of land. The functions and powers of the agencies overlap and there appears to be little prior consultation between agencies when land is allocated for exploitation.



## **10.4 Land Use Conflicts**

The legal framework and institutional arrangements have resulted in areas of concurrent jurisdiction, overlapping authority and conflicting land use. It is not unknown for an area to be subject to both mining and logging rights. One use of land may have an adverse impact on another authorised use on the same land. Problems may also arise when an authorised use of land has damaging effects on the use of adjacent or nearby land for example through the discharge of pollutants into the air or river. In the case of ecotourism, proximity to a mine or forestry operation is unlikely to attract visitors.

## **10.5 Requirements for tourism**

To develop the kind of tourism that has been identified as appropriate for Guyana, requires land in the interior to be set aside for conservation as well as for development. The process of obtaining that land should be no more difficult for tourism than for other activities such as mining, forestry or agriculture. Any other approach would lead to a distortion of the market.

It has been suggested that a lease of land for tourism should contain two elements. The first is a core area of land which would be allocated for the development of the tourism facility and would contain the lodge in an appropriately landscaped setting. The second would be another area of land surrounding the core and acting as a kind of buffer zone. This would be set aside for low impact nature based tourism such as birdwatching, viewing plants and animals in their natural habitats etc. Other activities such as hunting which are incompatible with the tourist product would be prohibited in the area. The lessee would bear the expense of putting in trails and be responsible for monitoring the area to ensure that there were no unauthorised activities. It was also suggested that operators should involve Amerindians in the identification of the land and that a percentage of the profits should be shared.

This approach has the following advantages:

- (i) it would result in areas which yield economic benefits in a non-consumptive way i.e. the tourist facility coupled with the protected area is used as a tool for promoting economic development without damaging or destroying the natural resources on which it is based;
- (ii) the creation of the buffer zones supports and furthers the policy of the Government of Guyana to establish a national system of protected areas;
- (iii) the use of private businesses to monitor illegal activities in the buffer zone would assist the various agencies such as the Guyana Forestry Commission and the

Guyana Geology and Mines Commission, both of whom lack the resources to carry out full monitoring in interior locations;

- (iv) the role of the Amerindian communities is recognised and remunerated - this is an important consideration since Guyana is a signatory to the Biodiversity Convention which requires equitable sharing of benefits arising from the use of indigenous knowledge;
- (v) it would provide operators with the land needed for the development of the sector but would do so in a controlled way with conditions to ensure that the development is sustainable.

## **10.6 Legislative reform**

It has been suggested that the Town and County Planning Act could be used to establish zones within Guyana. While this is possible it is not satisfactory. The Town and Country Planning Act is based on the concepts and concerns of the legislature dating back to 1948. Although the act fulfils its purpose for housing, industrial or commercial development it does not specifically cover tourism or ecotourism. Neither does the act contain the kind of provisions that are now expected in modern planning legislation.

Schedule Two of the act could be amended to give CHPA a specific power to zone land for tourism purposes. This would require CHPA to develop a new area of expertise and to take on new functions. In developing new schemes CHPA would have to find some way of dealing with the other institutions involved in land use. Amending the Town and County Planning Act would not solve the problems of concurrent jurisdiction and conflicting use of land.

It is recommended that Guyana brings into force a modern planning law that regulates all issues relating to land use. This would require the completion of a land use policy which covers the prioritising of land use in the event of conflict, rationalisation of the institutional arrangements and rationalisation of the legislation relating to land use. This approach receives support in the Baseline Document on Land Use in Guyana. Such new legislation would also cover the process for zoning. It should include a requirement that competing land uses should not be next to each other so that for example, a factory in an industrial zone is not next to an office in the commercial zone. In addition the legislation would have to be compatible with the Government's policy objectives on protected areas as they will also have to be zoned according to their use.

## **10.7 Interim legislative changes**

It is recommended that in the interim the legislation is amended to authorise the grant of leases over state lands and state forests (as suggested in 10.5). The State Forest

(Boundary Extension) Order (no. 37 of 1997) extended the size of state forests in Guyana by approximately 11,313,760 acres. Unless state forests are included much of the area suitable for tourism could be allocated for exploitation through logging or mining before a full land use policy is established. In the case of state lands, leasing land for tourism purposes could be dealt with through by amending the State Lands Act. In the case of state forests it is recommended that the legislation relating to forestry is amended so that similar provisions are included. Since the Guyana Forestry Commission's functions already include the establishing of wildlife areas and nature reserves for recreation and the provision of amenities, the suggested amendment is compatible with their current mandate.

## **SCHEDULE I**

### **SOURCES**

#### **1. Legislation reviewed**

##### **Barbados**

Hotels, Apartments and Guest Houses (Registration and Classification) Regulations 1982

##### **Belize**

Hotels and Tourist Accommodation Act 1997

Hotels and Tourist Accommodation (Minimum Requirement for the Registration of Hotels and Guesthouses) Regulations

Tourist Board (Tour Operators) Regulations 1997

Tourist Board (Tour Guides) Regulations 1994

##### **Guyana**

City Government Bylaws

Civil Aviation Act 1996

Common Lodging Houses Bylaws

Environmental Protection Act 1996

Fire Prevention Act Cap. 22:01

Food and Drugs Act Cap. 54:03

Food and Drugs Regulations 1977

Forests Act Cap:67:01

Forest (Miscellaneous Provisions) Act 1982

Georgetown Building Bylaws

Guyana Forestry Commission Act 1979

Guyana Geology and Mines Commission Act 1979

Guyana National Bureau of Standards Act 1984

Harbours Regulations

Marking and Fencing of Lots, etc. Bylaws

Mining Act 1989

Motor Vehicle and Road Traffic Act Cap. 51:02

Municipal District Councils Act Cap. 28:01

River Navigation Act Cap. 50:01

River Navigation Regulations

Shipping Casualties (Investigation and Prevention) Act Cap. 49:07

State Forests (Boundary Extension) Order 1997

State Lands Act Cap 62:01

Town and Country Planning Act Cap. 20:01  
Transport & Harbours Act Cap. 49:04

### **United Kingdom**

British Air Navigation Order Cap. 393  
Colonial Air Navigation Order 1961  
Hotel Proprietors Act 1956

## **2. Other documents reviewed**

### **Antigua and Barbuda**

Code of practice for the assessing, classification and grading of hotel accommodation -  
draft standard

### **Barbados**

National Building Code 1993

### **Dominica**

Draft Building Code

### **Grenada**

Specification for the assessment, licensing and registration of the accommodation sector -  
draft standard

### **Guyana**

Baseline document on land use in Guyana  
Guyana Tourism Legislation Report 1995 - Carnegie and O'Reilly  
National Development Strategy (various sections)  
National Environmental Action Plan  
National Forestry Action Plan  
Safety and Standards Operations Manual (Accommodation) - Tourism Association of  
Guyana  
Safety and Standards Operations Manual (Boats) - Tourism Association of Guyana  
Summary Report - Consultation on Tourism Legislation

## **SCHEDULE II**

### **Personal Meetings**

1. Michael Shree Chan - Minister of Trade, Tourism & Industry
2. Neville Totaram - Permanent Secretary, Ministry of Trade, Tourism & Industry
3. Kenneth Bentinck - Ministry of Trade, Tourism & Industry
4. Tessa Fraser - Ministry of Trade, Tourism & Industry
5. Ivor English - Transport & Harbours Department
6. Tulsie John - Guyana Fire Service
7. Mohan Persaud - Guyana Fire Service
8. P Dickenson - Guyana Fire Service
9. Carlyle Washington - Guyana Fire Service
10. Chatterpaul Ramcharran - Guyana National Bureau of Standards
11. Myrna Pitt - Central Housing and Planning Authority
12. David Anderson - OAS consultant
13. Roy Pierre - Civil Aviation Department
14. Laurie Lewis - Commissioner of Police
15. Collette McDermott - Tourism Association of Guyana
16. Richard Humphrey - Tower Hotel
17. Barry Curran - Pegasus
18. Sean McGrath - Cara Lodge
19. Bill Cottrill - Aviation School
20. Malcolm Chan-a-Sue - Tourong Ltd/Aircraft Owners Association
21. Tony Mekdeci - Aircraft Owners Association
22. Balwant Algu - Guyana National Bureau of Standards
23. Neville Waldron - Conservation International (by phone)
24. Sandy Griffith - Conservation International (by phone)
25. David James - Amerindian People's Association (by phone)
26. Sharifa Razack - Environmental Protection Agency (by phone)

**MARCH 1998**

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**DRAFT ACT PREPARED UNDER THE BEEP PROJECT**  
**(SUBJECT TO AMENDMENT AND APPROVAL BY THE CHIEF**  
**PARLIAMENTARY COUNSEL)**

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# GUYANA

ACT No. [] 1998

## FOOD AND DRUGS (AMENDMENT) BILL 1998

### ARRANGEMENT OF SECTIONS

#### Section

1. Short title and commencement.
2. Amendment of the Food and Drugs Act.

AN ACT to amend the Food and Drugs Act.

A.D. 1998

Enacted by the Parliament of Guyana:-

Short title

1. This Act may be cited as the Food and Drugs (Amendment) Act 1998 and shall come into operation on such date as the Minister may, by order, appoint.

Amendment of the  
Food and Drugs  
Act Cap 34:02

2. The Food and Drugs Act is hereby amended in the following respects -
  - (a) by the substitution in sub-section 25 (2) of the words “one hundred thousand” for the words “one hundred”;
  - (b) by the substitution
    - (i) in sub-section 33 (a) of the words

words “sixty  
words “five  
words “one  
the

“thirty thousand dollars” for the  
words one hundred, the  
thousand” for the  
hundred”, and the  
hundred thousand” for  
words “five hundred”; and

(ii) in sub-section 33 (b) of the words  
“one hundred thousand” for  
the words “one thousand” and  
“one hundred and fifty  
thousand” for the words “five  
thousand”.

Passed by the National Assembly on [ ]

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F. A. Narain  
Clerk of the  
National Assembly



**APRIL 1998**

**DRAFT REGULATIONS PREPARED UNDER THE BEEP PROJECT  
(SUBJECT TO APPROVAL AND AMENDMENT BY THE  
CHIEF PARLIAMENTARY COUNSEL)**

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**GUYANA**

**No [                      ] of 1998**

**REGULATIONS**

**IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 102 OF THE  
FORESTS ACT I HEREBY MAKE THE FOLLOWING REGULATIONS**

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1. These regulations may be cited as the State Forests (Tourism) Regulations, 1998.
2. In these Regulations,

“eco-tourism” means birdwatching, animal watching, the studying of plants, birds or animals in their natural habitat and other activities which have a low-impact on the natural environment;

“lessee” means the lessee of a lease for Tourism purposes granted under these regulations and includes any transferee in accordance with these regulations;

“Tourism” means the provision of food, accommodation, transportation, tours and other related hospitality services for visitors to the leased area;
- 3.(1) Every application for a lease of State forest for Tourism shall be in writing signed by the applicant, and shall be addressed to the Conservator.
- (2) The application shall state the name of the person for whose benefit the lease is sought to be obtained and the term of years requested.
- (3) Each person for whom the lease is sought shall be
  - (a) in the case of an individual a citizen of Guyana;
  - (b) in the case of a company, a company registered under the Companies Act 1991 with not less than two-thirds of the voting shares owned and controlled by citizens of Guyana;

(c) a person who is fit and proper to carry out the proposed Tourism activities.

4. (1) The application shall

- (a) contain a description of the land to which it relates;
- (b) identify a core area which shall be such area as is necessary for the construction of buildings for the provision of facilities for tourism including accommodation, food, storage and an office;
- (c) identify a buffer zone which shall be protected and used for eco-tourism purposes;
- (d) set forth as far as possible the location, extent and boundaries, and where possible the GPS coordinates, for the core area and for the buffer zone;
- (e) be accompanied by a copy of the survey of the land which is the subject of the application;
- (f) contain a statement of the proposed activities to be carried out in the core area and in the buffer zone including the buildings to be erected and the number of intended visitors;
- (g) contain such other information as may be required by the Conservator for the purpose of determining whether there are any reasons why the lease should not be granted.

(2) Any person who gives false or misleading information in any application shall be guilty of an offence and shall be liable on summary conviction to a fine of fifteen thousand dollars.

(3) Each application shall be accompanied by a non-refundable application fee of \$10,000 and shall not be considered until such fee has been received by the Conservator.

5. (1) The Conservator shall publish a notice of the application in the *Gazette* for three consecutive Saturdays.

(2) Any person who wishes to oppose the grant of the lease shall give notice of opposition in writing, together with the grounds for such opposition, to the Conservator no later than 14 days of the date of the third advertisement.

(3) Any notice of opposition given under sub-paragraph (2) above shall be copied to the applicant but the failure to do so shall not be fatal to the opposition.

(4) The Conservator, after consideration of the application and the opposition, and consultation with the applicant and the person making the opposition, shall make a report to the Minister giving the particulars of the application, the opposition and the grounds thereof and a recommendation as to whether the lease should be granted.

- (5) The Minister may, after consultation with the Conservator, make such order as to her shall seem just, provided that where the Minister makes an order contrary to the recommendations of the Conservator the Minister shall state the reasons therefor.
6. Where any applicant for a lease dies after her application has been received the fee shall be retained by the Conservator and the legal representative of the applicant may not proceed with the application.
7. If more than one application is received in respect of the same tract of State forest (whether or not other tracts of State forest are included in any or all of the applications) each application shall be treated as a separate application but no lease shall be granted over any tract of State forest which would lead to conflicting use between applicants or users.
- 8.(1) The rental fees shall be calculated as follows:
  - (h) for the core area an annual rental fee of [\$ ] per acre or part thereof; and
  - (i) for the buffer area an annual rental fee of [\$ ] per acre or part thereof.
- (2) Rental fees shall be paid annually in advance and the first rental fee shall be paid upon the grant of the lease and subsequent rental fees shall be paid on the anniversary of the grant of the lease.
9. (1) Where the lessee of a lease dies the lease shall be transferred to her heirs for the unexpired term from the date of the death of the lessee, provided that they satisfy the criteria contained in regulation 3 (3).
- (2) Subject to the provisions of paragraph (1) above no lease shall be transferred to any person unless
  - (a) that person satisfies the criteria contained in regulation 3(3);
  - (b) that person deposits with the Conservator a non-refundable transfer fee equal to two months rental under the lease;
  - (c) that person gives the Conservator a written indemnity under which she agrees to be bound by and comply with the terms of the lease;
  - (d) the existing lessee gives the Conservator a written indemnity under which the lessee remains liable for any failure in compliance with the terms of the lease;
  - (e) the existing lessee has paid all rental fees due under the lease and is not

otherwise in breach of the lease or these regulations;

- (f) that person gives the Conservator such other information or assurances in writing as the Conservator may require for the purpose of giving consent to the transfer;
- (g) the existing lessee obtains the consent in writing of the Conservator to the transfer.

10. (1) The area designated in the lease as the core area may be developed for Tourism subject to the following conditions:

- (a) traditional Amerindian methods and materials shall be used in the construction of buildings in so far as this is compatible with the safety and operation of the proposed Tourism activities;
- (b) any buildings erected shall be designed and constructed as far as possible so as to be in harmony with the natural surroundings;
- (c) the sewage system shall operate in such a way that no sewage, whether raw or untreated, escapes into any creek, river or other waterway or leaks into any underground source of water;
- (d) adequate facilities shall be constructed for the storage of fuel and chemicals so as to prevent any leaks or contamination;
- (e) trees and other vegetation may be cleared for the purpose of ensuring that the buildings are safe from falling trees or other hazards;
- (f) paths, including roads for vehicular access, may be constructed as necessary to ensure adequate access to and within the core area;
- (g) all development shall be carried out in such a way as to minimise adverse effects on the natural environment and subject to such permissions and environmental impact assessments as may be required under other legislation.

11. (1) Within the area designated as the core area or the buffer zone no person shall:

- (a) prospect or mine for minerals or carry out any extractive industry;
- (b) catch, take or kill, or cause or allow any other person to catch, take or kill any animal within the buffer zone;
- (c) use, or cause or allow any other person to use any animal, firearm,

explosive, net, trap, poison, snare, spear, arrow, hunting device, weapon or instrument or means whatever for the purpose of catching, taking or killing any animal that is within the buffer zone;

- (4) carry, discharge or have in her possession any weapon within the buffer zone;
- (5) carry or have in her possession any explosive, net, trap, poison, snare, spear, arrow or hunting device in the buffer zone;
- (6) pick or have in her possession any native plant;
- (7) disturb, chase, injure or in anyway interfere with any animal within the buffer zone or disturb the habitat of any animal;
- (8) cut or build any road or trails except that the lessee may construct one trail accessible by vehicle for the purpose of providing transportation through the buffer zone to the core area and such trails accessible by foot only as may be reasonably necessary to allow visitors access to the forest, creeks or rivers or other area of the buffer zone solely for the purpose of bird or animal watching, studying the buffer area or carrying out other eco-tourism activities;
- (9) clear any land or remove any vegetation except to the extent required to construct trails in accordance with sub-paragraph 8 above or regulation 10.
- (10) disturb or excavate any land, or cause any land to be disturbed or excavated for the purpose of discovering any object or relic of historic or archeological interest;
- (11) knowingly, recklessly or negligently destroy, deface or damage or cause or permit any person to destroy, deface or damage any object or relic of historic or archeological interest;
- (12) remove any object or relic or historic or archeological interest.

12. (1) Within the area of State forest leased no person shall light any outdoor fire or throw down any lighted match or lighted or inflammable material or do any act as a result of which any part of the State forest leased may be burnt.

(2) Notwithstanding the provisions of paragraph (1) above, the Conservator may authorise a lessee to clear part of the core area for development by burning subject to the following conditions:

- (a) any such fire shall be contained within the core area;
  - (b) only such part of the core area may be cleared by fire as is necessary for the development of the core area for Tourism;
- (3) The lessee shall be liable for all unauthorised damage caused by any fire which is started by the lessee or by any person employed or authorised by the lessee, and in such case the Conservator may require the lessee to make good such damage.
- 13. The lessee shall file a report of every breach of these regulations with the Conservator.
- 14. (1) Nothing in these regulations shall be construed to prejudice, alter or affect any right or privilege legally possessed, exercised or enjoyed by any Amerindian.  
  
(2) For the purposes of these regulations all land occupied or used by Amerindian communities and all land necessary for the quiet enjoyment by the Amerindians of any settlement shall be deemed to be lawfully occupied by them.
- 15. (1) The lessee shall have regard to the existing rights and privileges of Amerindians in relation to the leased forest and in particular shall
  - (1) protect areas and artefacts that are identified by any Amerindian community as of cultural significance to that community;
  - (2) regularly consult and liaise with Amerindian communities and the relevant Amerindian Council or other Amerindian representatives in connection with the use, management and protection of the forest;
  - (3) engage as many Amerindians from Amerindian communities located in or near to the leased forest, as far as is practicable to provide services in relation to the Tourism activities, and in particular shall utilise the traditional skills and knowledge of Amerindians in such matters as the construction of buildings in the core area, the provision of guides to visitors, the protection of wildlife and other relevant activities.
- 16. The lessee shall upon the grant of a lease mark out the boundaries of the core area and the buffer zone and shall place and maintain at the entrance to the buffer zone a sign indicating in plain legible letters the grant of the lease and the fact that the buffer zone is to be protected for eco-tourism purposes.
- 17. The lessee may not later than one month from the expiry of the lease granted under these regulations apply for the renewal of the lease and the lease shall be automatically renewed provided that the lessee is not in breach of these regulations or any term of the lease.

18. The Conservator shall have the right to terminate the lease in the event that

- (1) the lessee ceases to be in compliance with Regulation 3 (3);
- (2) the lessee is breach of any term of the regulations or any term of the lease and does not remedy such breach within 2 weeks of being requested in writing by the Conservator to do so.

19. Every person who

- (1) fails or refuses to comply with these regulations; or
- (2) fails or refuses to comply with any term of the lease or any request or direction issued by the Conservator under these regulations,

is guilty of an offence and is liable on summary conviction to a fine of forty thousand dollars and a further fine of ten thousand dollars for each day on which the offence continues after a conviction is first obtained.

20. These regulations shall come into operation on [ ].

**MADE the [ ] day of [ ]**

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**Minister of Agriculture**

# **THE HOTEL PROPRIETORS ACT [1998]**

## **ARRANGEMENT OF SECTIONS**

### **Section**

1. Inns and innkeepers
  2. Modifications of liabilities and rights of innkeepers as such
  3. Short title and commencement
- Schedule: - Notice: Loss of or damage to guests' property

*An Act to amend the law relating to inns and innkeepers.*

### **1. Inns and innkeepers**

- (1) A hotel within the meaning of this Act shall, and any other establishment shall not be deemed to be an inn; and the duties, liabilities and rights which immediately before the commencement of this Act by law, attached to an innkeeper as such shall, subject to the provisions of this Act, attach to the proprietor of such a hotel and shall not attach to any other person.
- (2) The proprietor of a hotel shall, as an innkeeper, be under the like liability, if any, to make good to any guest of his any damage to property brought to the hotel as he would be under to make good the loss thereof.
- (3) In this Act, the expression "hotel" means an establishment held out by the proprietor as offering food, drink and, if so required, sleeping accommodation, without special contract, to any traveller presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and who is in a fit state to be received.

### **2. Modifications of liabilities and rights of innkeepers as such**

- (1) Without prejudice to any other liability incurred by him with respect to any property brought to the hotel, the proprietor of a hotel shall not be liable as an innkeeper to make good to any traveller any loss of or damage to such property except where -
  - (a) at the time of the loss or damage sleeping accommodation at the hotel had been engaged for the traveller; and
  - (b) the loss or damage occurred during the period commencing with the midnight immediately preceding, and ending with the midnight immediately following, a period for which the traveller was a guest at the hotel and entitled to use the accommodation so engaged.



- (2) Without prejudice to any other liability or right of his with respect thereto, the proprietor of a hotel shall not as an innkeeper be liable to make good to any guest of his any loss or damage to, or have any lien on, any vehicle or any property left therein, or any horse or other live animal or its harness or other equipment.
- (3) Where the proprietor of a hotel is liable as an innkeeper to make good the loss of or any damage to property brought to the hotel, his liability to any one guest shall not exceed an amount of Guyanese dollars equal to one hundred dollars in the currency of the USA, in respect of any one article, or an amount of Guyanese dollars equal to two hundred dollars in the currency of the USA in the aggregate, except where -
  - (a) the property was stolen, lost or damaged through the default, neglect or wilful act of the proprietor or some servant of his; or
  - (b) the property was deposited by or on behalf of the guest expressly for safe custody with the proprietor or some servant of his authorised, or appearing to be authorised, for the purpose, and, if so required by the proprietor or that servant, in a container fastened or sealed by the depositor; or
  - (c) at a time after the guest had arrived at the hotel, either the property in question was offered for deposit as aforesaid and the proprietor or his servant refused to receive it, or the guest or some other guest acting on his behalf wished to offer the property in question but, through the default of the proprietor or a servant of his, was unable to do so:

Provided that the proprietor shall not be entitled to the protection of this subsection unless, at the time when the property in question was brought to the hotel, a copy of the notice set out in the Schedule to this Act printed in plain type was conspicuously displayed in a place where it could conveniently be read by his guests at or near the reception office or desk or, where there is no reception office or desk, at or near the main entrance to the hotel.

### **3. Short title and commencement**

- (1) This Act may be cited at the Hotel Proprietors Act 1998.
- (2) This Act shall come into operation on [the first day of January, nineteen hundred and ninety-eight.]

## **SCHEDULE**

### **NOTICE**

#### **LOSS OF OR DAMAGE TO GUESTS' PROPERTY**

Under the Hotel Proprietors Act [1998], a hotel proprietor may in certain circumstances be liable to make good any loss of or damage to a guest's property even though it was not due to any fault of the proprietor or staff of the hotel.

This liability however -

- (a) extends only to the property of guests who have engaged sleeping accommodation at the hotel;
- (b) is limited to an amount of Guyanese dollars equivalent to one hundred dollars in the currency of the USA for any one article and a total of an amount of Guyanese dollars equivalent to two hundred dollars in the currency of the USA in the case of any one guest, except in the case of property which has been deposited, or offered for deposit, for safe custody;
- (c) does not cover motor cars or other vehicles of any kind or any property left in them, or horses or other live animals.

This notice does not constitute an admission either that the Act applies to this hotel or that liability thereunder attaches to the proprietor of this hotel in any particular case.

MARCH 1998

**DRAFT ACT PREPARED UNDER THE BEEP PROJECT**  
**(SUBJECT TO AMENDMENT AND APPROVAL BY THE CHIEF**  
**PARLIAMENTARY COUNSEL)**

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# GUYANA

ACT No. [] 1998

## MOTOR VEHICLE AND ROAD TRAFFIC (AMENDMENT) BILL 1998

### ARRANGEMENT OF SECTIONS

#### Section

1. Short title and commencement.
2. Amendment of the Motor Vehicle and Road Traffic Act.

AN ACT to amend the law relating to motor vehicles and road traffic.

A. D. 1998

Enacted by the Parliament of Guyana:-

Short title and  
commencement

1. This Act may be cited as the Motor Vehicle and Road Traffic (Amendment) Act 1998 and shall come into operation on such date as the Minister may, by order, appoint.

Amendment of the  
Motor Vehicle &  
Road Traffic Act  
Cap 51:02

2. The Motor Vehicle and Road Traffic Act is hereby amended in the following respects -
  - (a) by the insertion after section 37 of the following as section 37A-

“ section 37A Where any accident or collision takes place between any motor vehicle (excluding motor cycles) and any motor cyclist, pedal cyclist, pedestrian, horse cart, dray cart or hand cart the driver of the motor vehicle shall be deemed to have caused the

accident or collision unless he satisfies the court that  
at the time of the accident or collision he

(a) was not driving at a speed greater  
than the maximum speed  
specified in relation to the class or  
description of the motor vehicle; and

(b) took all reasonable precautions to  
avoid the accident or  
collision.”

(b) by the substitution in sub-section 103 (3) of  
the words “one hundred thousand”  
for the words “two hundred.”

Passed by the National Assembly on [ ]

---

F.A. Narain  
Clerk of the National Assembly

**PREPARED UNDER THE BEEP PROJECT**

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**CODE OF CONDUCT FOR TAXI DRIVERS**

Taxi drivers provide a very important service both to local Guyanese and visitors from abroad such as investors and tourists. The purpose of this code is to assist taxi drivers to provide a high quality service and attract more custom. This is a voluntary code and you are not under any obligation to follow it. However the code is designed to help drivers to provide a better, safer and more professional service.

**1. The Guyana Road Traffic Code**

The Guyana Road Traffic Code, issued under the auspices of the Commissioner of Police, provides excellent advice and guidance to road users. Always keep a copy in your car and make sure you know its rules and advice.

Remember: even the most experienced drivers need to refresh their memory from time to time.

**2. Safe Driving**

Safe driving means driving to avoid accidents. Accidents cost time and money and most importantly of all cost lives. Not all road users act safely and responsibly. Safe driving means driving to avoid accidents in spite of how other road users are behaving. It is up to you as a driver to anticipate the actions of others and respond safely.

Remember: a good driver is a safe driver.

**3. Fast Driving**

Fast driving is not good driving. Give yourself plenty of time to get to your destination. Stick to the speed limit. If your passenger is in a hurry explain to him politely but firmly that you are obliged to drive safely and within the speed limit. Suit your speed to the conditions of the road and keep your distance from other vehicles. Be aware of other people on the road. Can you stop in time if a child runs across the road?

Remember: a good driver in good conditions needs at least 240 feet to stop a vehicle travelling at 60 m.p.h.

**4. Other Road Users**

Other people have a right to be on the road and you must be aware of them. Have you ever turned

and had to stop suddenly for a pedestrian or cyclist? A good driver would have seen them before starting to turn. Bear in mind that a large proportion of Guyana's road fatalities are pedestrians and cyclists and be alert to their presence.

Remember: Children and the elderly are often the most vulnerable - take especial care of them.

## **5. Animals**

There are many horse carts and donkey carts on the road. They are part of our society and have as much right to use the roads as you do. If you want to overtake, wait until the road is clear and give the animal plenty of room. Do not cut in front of them. Do not blow your horn or try to hurry them out of your way. Horses and donkeys are living creatures - give them space and time.

There are many stray animals on the roads. Look out for them, slow down and avoid them.

Remember: animals react unpredictably to traffic - when you see an animal on the road give it space and be prepared to stop to avoid an accident.

## **6. Courtesy**

As a professional, you must treat your passengers with courtesy and consideration. As a driver you are entitled to be treated courteously by your passengers. If a passenger is rude or unreasonable do not waste time arguing. Try to respond politely and if possible report the situation to your office as clearly and accurately as possible.

Avoid misunderstandings by telling a passenger at the beginning how much a journey is likely to cost. Have a copy of the charge sheet available in the car and show it to the passenger. The Motor Vehicles and Road Traffic Regulations Try to make things easier for you and the passenger by carrying a reasonable amount of change, but do not keep large sums on you.

It is important and courteous to present a professional appearance. The Motor Vehicle and Road Traffic Regulations require drivers to be clean and properly dressed and to wear a badge.

Drive with courtesy and consideration for other road users. Do not use your horn except unless it is necessary for you to alert another road user to your presence. The Motor Vehicles and Road Traffic Regulations forbid you to use your horn to attract the attention of a possible passenger. Do not annoy pedestrians by calling out to them persistently - some people prefer to walk.

If you drop someone home late at night it is courteous to see that they have entered the yard safely before driving off.

## **7. Safety and Comfort**

As a driver you are responsible for the safety and comfort of your passengers. If your car is fitted with seat belts encourage your passenger to wear his and always wear your own. If you are asked

to turn off the radio or air-conditioning do so immediately and with a good grace.

Do not smoke. Many passengers find it unpleasant and the Motor Vehicles and Road Traffic Regulations require drivers not to smoke when they have passengers. If you would prefer your passenger not to smoke you are entitled to ask them politely not to.

Remember: Your safety is extremely important - if you are tired stop and rest. Do not drive if you feel unwell.

## **8. Your Vehicle**

All cars must have a certificate of fitness. Make sure yours is up to date. Keep your car in good condition. Check it regularly, particularly the brakes and steering. If you are at all uncertain about the condition of your car, have it checked immediately by a professional mechanic.

Make sure your car is always clean inside and outside. On long journeys such as to the airport, make sure there is enough gas before you collect the passenger. Passengers do not appreciate having to wait in the car while it is filled up.

## **9. Taxi Firms**

Ensure that you set up a radio dispatch system and keep in contact with your drivers. If you do not have a car available when a customer requests one - tell them. Do not agree to send a car and then keep the customer waiting. Not only is it rude but they will take their custom elsewhere the next time they need a car. Always give the customer as accurate an estimate as possible and do not be late picking them up. If you do are not familiar with the location get proper directions. It is rude to drive up and down the street blowing the horn.

Each taxi firm should have a proper complaints procedure. If a customer complains about a driver, listen to them courteously and offer an immediate apology. Do not embarrass the customer by calling the driver in and asking who said or did what. If the complaint is serious it should be dealt with by the manager promptly and courteously.

Your driving is your responsibility. You must always be in control of your car.

Remember : for many visitors to Guyana contact with you gives them an important sense of our country and its culture. Enjoy driving your passengers!

MARCH 1998

**DRAFT REGULATIONS PREPARED UNDER THE BEEP PROJECT**  
**(SUBJECT TO AMENDMENT AND APPROVAL BY THE CHIEF**  
**PARLIAMENTARY COUNSEL)**

GUYANA

No. [ ] of 1998

**REGULATIONS**

**Made Under**

[ ]

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION [ ] OF THE  
[ ] ACT, I HEREBY MAKE THE FOLLOWING REGULATIONS:

Citation

1. These Regulations may be cited as the **Guyana Tourist Authority (Tour Operators) Regulations, 1998**

Definitions

2. In these Regulations,

(1) “Authority” means:- [ ]

(2) “tour operator” means :-

- (a) a Guyanese citizen, or a permanent resident of Guyana with the business of tour operator defined as his occupation on his permanent residency permit, who falls into one of the various categories set out in paragraph (3) below; or
- (b) an entity which is controlled by a majority of Guyanese, or a company whose majority shareholding is owned by Guyanese citizens or permanent residents, which falls into one of the various categories set out in paragraph (3) below.

(3) The various categories referred to in paragraph (2) above are as follows:-

- (a) an individual, company or entity that operates and markets tours internationally, or which provides complete tours of any nature to guests, including transportation within Guyana, accommodation, meals, and guided tours to tourist sites or natural attractions, the interior, coast or other area of Guyana by air, river, sea or land; or



- (b) an individual, company or entity that provides countrywide tour packages of any nature to guests, and offers accommodation, meals and guided tours to tourist sites or natural attractions, the interior, coast or other area of Guyana by air, river, sea or land; or
- (c) an individual, company, or entity that provides localised tour packages of any nature to guests and offers accommodation, meals and guided tours to tourist sites or natural attractions, the interior, coast or other area of Guyana by air, river, sea or land; or
- (d) an individual, company or entity involved in the planning, preparation and marketing of tour packages, either alone or in association with other individuals, companies or entities as provided in paragraphs (a) to (c) above;
- (e) any individual, company or entity that holds itself out as conducting the business of tour operator; and
- (f) any individual, company or entity organising any tour or expedition to Guyana other than a tour or expedition for the purpose of carrying out anthropological, social, scientific, environmental or other professional or academic research or rendering professional medical, dental or veterinarian assistance.

First Schedule

3. An individual, company or entity wishing to operate as a tour operator in Guyana shall within two (2) months of the date of commencement of these Regulations, complete and submit an application form to the Authority as set out in the First Schedule to these Regulations.

4. Subject to regulation 5 below, the Authority shall grant a licence to:-

- (a) an individual who is a Guyanese citizen, or permanent resident with the business of “tour operator” defined as his occupation on his permanent residency permit; or

Business Registration  
Cap 90:05

- (b) any entity which is controlled by a majority of Guyanese Act citizens and whose name is validly registered for business under the Business Names Registration Act, or a company whose majority shareholding is owned by Guyanese citizens, and which is duly registered or continued under the Companies Act 1991.

Companies Act 1991

Applicant for Licence

5.(1) An applicant for a licence shall

(a) be

or

(i) an individual who has not within the 5 years previous to the date of the application been convicted of an offence involving dishonesty, within that period been declared bankrupt; or

(ii) a company or other entity which has not within the five (5) years previous to the date of the application been adjudged insolvent and none of whose directors or partners have been convicted of an offence involving dishonesty;

(b) possess all appropriate safety equipment essential for the particular tour operation as set out in the Third Schedule or as may reasonably be required by the Authority;

(c) possess the ability and capability to package, market and/or operate tours and represent Guyana, both locally and internationally in a professional manner;

(d) in the case of an individual be not less than eighteen (18) years old; and

(e) submit, together with their application form as set out in the First Schedule:

(i) proof that their business as a tour operator is registered under the laws of Guyana;

(ii) two written letters of recommendation from individuals within the business community of Guyana of good standing recognised by the Authority;

(iii) a non-refundable application fee of ten thousand dollars (\$10,000);

(iv) two photographs of the interior and exterior of the place where they carry on the business of tour operators;

Companies Act 1991

(v) in the case of a former-act company, a copy of its memorandum and articles of association,

certificate of incorporation and certificate of continuance under the Companies Act 1991;

Companies Act 1991

- (vi) in case of a company registered under the Companies Act 1991 a copy of its articles of incorporation, bylaws and certificate of incorporation;
- (vii) professional details of persons employed or to be employed by the applicant, and the number of Guyanese citizens and the number of permanent residents so employed;
- (viii) a description of the nature and category of tour packages offered, or to be offered, by the applicant, including the equipment operated by the tour operator the risks involved and the safety precautions to be taken, and the tourist sites or tourist activities associated with such tour packages;
- (ix) evidence of adequate insurance.

(2) Tour operators who have been operating as such for a period of at least three years before the commencement of these Regulations and who do not meet the requirements specified in Regulation 4 above may obtain a licence provided that such tour operators meet all the other requirements of Regulation 5 (1) above and:-

- (a) submit proof to the Authority, when applying for a licence, of continuous tour operations in Guyana for a period of at least three years prior to the commencement of these Regulations and such proof may take the form of receipts, income tax returns, and evidence of prior business registration;
- (b) satisfy the Authority that they are competent to conduct business as tour operators;
- (c) satisfy any other requirements which the Authority may stipulate as a condition precedent to the issue of a licence.

Grant of Licence

6.(1) A licence granted under these Regulations:-

- (a) shall be an annual licence, expiring one calendar year after the date of its issue;
  - (b) shall be issued by the Authority upon payment of a fee of ten thousand dollars (\$10,000) by the applicant;
  - (c) shall be in the form set out in the Second Schedule hereto;
  - (d) unless revoked by the Authority for just cause, shall be renewable for like period upon payment of ten thousand dollars (\$10,000);
  - (e) may be revoked by the Authority if the holder thereof breaches any conditions set out therein or in these Regulations;
  - (f) shall be non-transferable and subject to such terms and conditions as the Authority thinks fit;
  - (g) shall specify the categories and types of tour operations to which it applies.
- (2) A licence granted under these Regulations shall not cover or provide for:
- (a) work permits; and
  - (b) any other permits required under any law in connection with the proposed tourism activities in Guyana.
- (3) Where a licence has been lost before the expiration of one year from its date of issue, the holder of such lost licence may apply to the Authority for a replacement thereof upon payment of a non-fundable fee of five thousand dollars (\$5,000) and the validity of such replacement shall expire on the expiration date of the original lost licence.
- (4) All fees paid under these Regulations shall be credited to the account of the Authority.

Duties of licence holders 7. It shall be the duty of all licence holders under these Regulations:-

- (a) to use only licensed tour guides and tour operators;

- (b) to maintain valid, licensed and insured tour equipment and maintain safety equipment as set out in the Third Schedule and the licence;
- (c) to be in possession of valid insurance at all times for personal injury and death and loss of or damage to equipment;
- (d) to take all necessary steps to safeguard the environmental, moral, historical and cultural integrity of Guyana;
- (e) to obtain all other permits and approvals as may be required; and
- (f) to conduct tour operations with due respect for indigenous peoples and their art, culture and history.

Prohibition on acting  
without licence

- 8.(1) Subject to paragraph (2) below, no company, entity or individual shall operate, advertise or hold itself or himself out as a tour operator without first obtaining a licence in accordance with these Regulations.
- (2) Any company, entity or individual who at the commencement of these Regulations is operating and desires to continue to operate as a tour operator shall, within thirty days from the date of commencement of these Regulations, apply to the Authority for a licence in accordance with the provisions of these Regulations.
- (3) Any company or entity which, or individual who, contravenes paragraph (1) or (2) above commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars (\$50,000.00) or to imprisonment for a period not exceeding twelve (12) months, or to both such fine and imprisonment, and all tour operations shall be discontinued until a valid licence is obtained.

Detrimental activities

9. Any tour operator who engages in any activity detrimental to the:
- (a) professional business ethics of tour operators;
  - (b) environmental, moral or archaeological integrity of Guyana;

shall, in addition to the penalties prescribed under any other law, be liable to any of the following disciplinary actions taken by the Authority:

- (a) a reprimand;
- (b) a suspension of licence; or
- (c) a revocation of licence.

Notice

10. Upon the revocation of a Licence, the Committee shall place a notice in a National newspaper conferring revocation of the licence

**MADE** the [            ] th day of [            ]

---

**Minister of Trade, Tourism and Industry**

GUYANA

No. [ ] of 1998

Made Under

[

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION [     ] OF THE  
[             ] I HEREBY MAKE THE FOLLOWING REGULATIONS:

Definitions 2. In these Regulations,

“Authority” means [ ]

“Committee” means the Tour Guide Committee established under regulation 3 of these Regulations;

“licence” means a licence granted under these Regulations and  
“licence holder” shall be construed accordingly;

Medical Practitioners Act 1991

“registered medical practitioner” means a person registered under the Medical Practitioners Act 1991;

“tour guide” means a person holding a licence granted under regulation 5 of these Regulations.

Establishment of the Committee	3.(1) For the purpose of these Regulations, there shall be established a Committee to be called the “Tour Guide Committee”.
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- (2) The Committee shall consist of five members who shall, subject to paragraph (3) below, be appointed by the Minister as follows:



- (a) two members nominated jointly by recognized tour guide associations;
  - (b) one member nominated by the Authority;
  - (c) one member nominated by the Tourism Association of Guyana; and
  - (d) one representative appointed by the Minister in consultation with the Authority.
- (3) In making appointments of members to the Committee (whether in his own discretion or otherwise), the Minister shall have due regard to
- (a) the geographical distribution of tour guides to ensure that tourist sites and tourist attractions are covered adequately; and
  - (b) the knowledge and experience of the nominees to ensure a reasonable level of skill and competence.
- (4) The members of the Committee shall hold office for a period not exceeding two years as may be specified in the instrument of appointment and such member shall be eligible for but no member shall serve for more than six years in
- (5) The members of the Committee shall appoint a suitable person from among their membership to be the Chairman of the Committee.
- (6) Each member of the Committee shall have one vote.
- (7) A member of the Committee may at any time resign his office by not less than one month's notice in writing addressed to the Chairman of the Committee, or in the case of the Chairman by not less than one month's notice in writing addressed to the Minister.
- (8) The Minister may revoke the appointment of a member of the Committee,
- (a) upon the recommendation of the majority of the total membership of the Committee; or
  - (b) if the member

reappointment  
total.

- (i) becomes incapable of carrying out his duties;
- (ii) is convicted of any offence;
- (iii) is guilty of misconduct; or
- (iv) is absent, except on leave granted by the Committee from three consecutive meetings of the

Committee.

- (9) The quorum at all meetings of the Committee shall be three members.
- (10) Subject to these Regulations, the Committee may regulate its own procedure.

Functions of the  
Committee

- 4. The functions of the Committee shall be to:
  - (a) receive and determine applications for licences under these Regulations;
  - (b) provide advisory and information services to licence holders;
  - (c) assist licence holders in any matters affecting the discharge of their functions;
  - (d) perform any other function for the better carrying out of the provisions of these Regulations.

Application for a  
licence

person shall  
following:

- 5.(1) Subject to the provisions of these Regulations, any person intending to operate as a tour guide shall apply to the Committee on an application form prescribed by the Committee and such submit his application to the Committee along with the
  - (a) medical certificate issued by a registered medical practitioner;
  - (b) recent police record;
  - (c) two recommendations from persons in good standing who are well acquainted with the applicant;

- (d) a formal recommendation from a recognised local tour guide association or the Tourism Association of Guyana;
  - (e) two passport size photographs, one of which shall be certified as being that of the applicant;
  - (f) proof of Guyanese citizenship; and
  - (g) proof of accreditation in any courses required under in regulation 8 (2).
- (2) Tour guides who have conducted tours for a period of at least five years and who do not possess the necessary requirements for a licence under paragraph (g) may obtain a licence provided that such tour guides:
  - (i) submit a letter of recommendation from a local tour guide association which is acquainted with the tour guide or from the Tourism Association of Guyana;
  - (ii) reliably and effectively satisfy the requirements of regulation 8 (1); and
  - (iii) satisfy any other necessary requirements as stipulated by the Committee.
- (3) A licence granted under paragraph (2) above may be subject to such terms and conditions as the Committee deems fit.
- (4) Subject to paragraph (8) of this regulation, all licences shall be issued by the Committee upon payment to the Board of a fee of two thousand dollars by the applicant and such licences shall be in the form prescribed in the First Schedule hereto.
- (5) All licences issued under these Regulations shall expire within one year from the date of issue but may be renewed for a like period upon payment of the prescribed fee and upon production of the documents specified in paragraph (1) of this regulation.
- (6) All tour guides shall, while conducting tours, prominently display upon their persons a laminated copy of their licence.
- (7) Any person aggrieved by a refusal of the Committee to grant a licence may appeal to the Authority.

- (8) Where a licence has been lost, the holder of such licence may apply for a replacement licence upon payment of a fee of one thousand dollars, and the replacement licence shall expire at the expiry date of the licence being replaced.
- (9) All licence fees payable under this regulation shall be credited to the account of the Authority.
- 6.(1) No person shall operate, advertise or hold himself out as a tour guide without first obtaining a licence in accordance with these Regulations.
- (2) Any person who at the commencement of these Regulations is operating and desires to continue to operate as a tour guide shall within three months of the date of commencement of these Regulations apply to the Committee for a licence in accordance with the provisions of these Regulations.
- (3) Any person who contravenes paragraph (1) above commits an offence and is liable on summary conviction to a fine not exceeding fifteen thousand dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Grant of licence

- 7.(1) Subject to paragraph (2) of this regulation, no licence shall be granted to a person unless that person:
  - (a) is a citizen of Guyana;
  - (b) is eighteen years of age or older;
  - (c) possesses the aptitude and health which is required and which is compatible with his work;
  - (d) is fluent in English language;
  - (e) fulfils the requirements stipulated in regulation 8 of these Regulations;
  - (f) has not within five years prior to his application been convicted of a criminal offence; and
  - (g) is of good character.
- (2) Notwithstanding anything contained in these Regulations, the Committee may, in the event there is a shortage of tour guides

generally, or of tour guides possessing any particular skill, training or qualification necessary for tour guiding, grant a provisional licence to a person subject to such terms and conditions as a majority of the Committee may deem fit.

Conditions

- 8.(1) An applicant for a licence under these Regulations shall:
  - (a) possess a first aid certificate from a body approved by the Committee;
  - (b) provide to the reasonable satisfaction of the Committee evidence of practical field experience; and
  - (c) provide to the reasonable satisfaction of the Committee evidence of a knowledge of the fundamentals of tour guiding including knowledge of eco-tourism, and the sites or areas in which the applicant proposes to operate.
- (2) The Committee may require accreditation in additional approved courses including,
  - (a) fundamentals of eco-tourism in Guyana;
  - (b) ecology, conservation and environmental protection;
  - (c) natural history of Guyana;
  - (d) history and geography of Guyana;
  - (e) art and culture of Guyana;
  - (f) art, history and culture of the indigenous peoples of Guyana;
  - (g) human relations and professional ethics; and
  - (h) advanced first aid and cardio pulmonary resuscitation.
- (3) The examiners in these courses shall be recognized professionals in their respective fields and approved as examiners by the Committee.
- (4) All persons seeking training in the above courses shall be responsible for paying their own fees.

- (5) The Committee shall reserve the right to require higher who, in the opinion of the Committee may be involved in high risk activities.
9. It shall be the duty of licence holders under these Regulations to:
- (a) maintain at all times appropriate personal appearance;
    - cooperate with the Committee whenever this is necessary for the promotion of tourism in Guyana;
    - take all necessary steps to safeguard the environmental integrity of Guyana;
    - attend cultural activities or events or refresher courses organised by the Committee to improve and enhance performance in their profession; and
  - (e) carry out their duties more efficiently.

Functions of  
licence holders

The functions of licence holders under these Regulations shall be

- (a) convey and guide tourists to and around natural
- (b) provide tourists with information about transportation,
  - and environmental protection, social and economic public attractions, climate, national parks and protected country, in as precise and truthful a manner as possible;
  - report to the Committee any abuse or infractions of the laws relating to tourism or the environment by any person;
  - take all necessary steps to safeguard and avoid harm to the environment of Guyana;
  - take all necessary steps to ensure that each tour is conducted with due respect for indigenous their art, culture and history.

## Disciplinary action

11.(1) Any tour guide licensed under these Regulations who -

- (a) insults, abuses or harasses a tourist, either through word or deed;
- (b) induces or encourages tourists to do anything contrary to the laws of Guyana or to do anything which goes against good custom or morals;
- (c) carries out or attempts to carry out his functions under these Regulations while under the influence of alcohol or illegal drugs;
- (d) offers for sale or otherwise any illegal drugs or illegal commodities to tourists;
- (e) is convicted of any serious crime by any court of law;
- (f) engages in any activity detrimental to the environmental integrity or archaeological or cultural heritage of Guyana,
- (g) sells or attempts to sell or induces or encourages any tourist to purchase any animal (including birds) or plant or part thereof listed in the Second Schedule hereto:

shall, in addition to the penalties prescribed under any other law, be liable to any of the following disciplinary actions by the Committee;

- (a) a reprimand;
  - (b) suspension of licence
  - (c) revocation of licence
- (2) The Committee shall revoke the licence of any tour guide who it is proved to the reasonable satisfaction of the Committee has contravened sub-paragraph (e) or sub-paragraph (g).
- (3) Upon the revocation of a licence the Committee shall place a notice in a national newspaper confirming revocation of the licence.

Made the                      day of                      1998

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Minister of Trade, Tourism & Industry



\_\_\_\_\_(Regulation 5)

\_\_\_\_\_

[PHOTOGRAPH]

(INSERT HERE FULL NAME AND ADDRESS)

\_\_\_\_\_

..... is hereby licensed under the Guyana  
 ], to operate as operate as a  
 in Guyana until the ..... 19 .....

this ..... day of ..... 19.....

Chairman

## SECOND SCHEDULE

Animals

Part 2

(All plants listed in Appendix I or II of CITES)

**FIRST SCHEDULE (REGULATIONS 3 AND 4)****APPLICATION FORM**

Name of Applicant:(Company) \_\_\_\_\_

(Entity) \_\_\_\_\_

(Individual) \_\_\_\_\_

(Manager/Owner/Chairman) \_\_\_\_\_

Business Address or Registered Office \_\_\_\_\_

Telephone \_\_\_\_\_ Fax: \_\_\_\_\_

Home Address (individuals only) \_\_\_\_\_

Telephone \_\_\_\_\_

Date of Registration \_\_\_\_\_

Date Tour Operations Commenced: \_\_\_\_\_

Ownership of Company/Entity \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone/Fax/E-mail/Website/ \_\_\_\_\_

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature**OFFICIAL USE**

RECOMMENDATION: \_\_\_\_\_

PROOF OF COMPLIANCE WITH REGULATIONS: \_\_\_\_\_

APPLICATION: \_\_\_\_\_

OTHER: \_\_\_\_\_

## SECOND SCHEDULE (REGULATION 5)

## GUYANA TOURIST AUTHORITY

(TOUR OPERATORS) REGULATIONS, 19 [       ]

## TOUR OPERATORS LICENCE

NOT TRANSFERABLE

LICENCE NO.

(INSERT FULL NAME AND ADDRESS)

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Being qualified to operate as a tour operator/and having paid the fee of fifty thousand dollars (\$50,000) is hereby licensed under the Guyana Tourist Authority (Tour Operators) Regulations, 1998 to operate as a TOUR OPERATOR\* in Guyana until the \_\_\_\_\_ day of 19 \_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_

Chairman  
Guyana Tourist Authority

\*Insert category of tour operator (e.g. tour wholesalers, etc).

### THIRD SCHEDULE (REGULATION 5)

#### SAFETY EQUIPMENT

1. Fire Extinguisher
2. First Aid Kits
3. Seat Belts
4. A Life Jacket for each person
5. Flares/Reflectors/Lights
6. Fire Axe (optional)
7. Communication Device
8. Tow Cable
9. Tool Box
10. Flash light
11. Adequate sealed drinking water